CITY OF SUN VALLEY

PERSONNEL POLICY

EFFECTIVE OCTOBER 1, 2012

ADOPTED BY

THE SUN VALLEY CITY COUNCIL

BY

Resolution 2012 – 05

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AMENDED BY

THE SUN VALLEY CITY COUNCIL

BY

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WELCOME!

Welcome to the City of Sun Valley. The City of Sun Valley has carefully selected you to be one of its valued employees. The City realizes it can only be successful from the efforts of skilled, committed, sincere and enthusiastic employees who work together as a team to provide the highest level of service to residents and visitors.

All jobs are important at the City of Sun Valley. No matter what your assignment may be, be assured it is important and the degree of efficiency and professionalism you demonstrate will have bearing on the future of the City's organizational success.

CITY OF SUN VALLEY STATEMENT OF SERVICE

> We, the employees of the City of Sun Valley, are dedicated
> to providing a positive environment wherein the quality of life and economic
> well-being of all who live, visit and work in Sun Valley may be preserved.
> The success of the City of Sun Valley relies on a sense of stewardship
> and adherence to excellence in service to its citizens
> through the contribution of all employees.

PURPOSE

The purpose of the *City of Sun Valley Personnel Policy* (*Personnel Policy*) is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all City employees and to explain benefits provided to City employees.

***PERSONNEL POLICY* IS NOT AN EMPLOYMENT CONTRACT**

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This *Personnel Policy* is not a contract and is not to be construed as a contract of employment. It is not intended to specify the duration of employment or limit the reasons for which an employee may be discharged. This policy creates no rights, contractual or otherwise, on behalf of employees of the City. Notwithstanding anything said by any representative of the City of Sun Valley, no contract of continued employment shall be implied. Thus, unless an employee has a written contract signed by the Mayor that specifies an employment term or limits the reasons for which the employee can be terminated, or unless otherwise provided by law, employment with the City of Sun Valley is "at will". At-will employment means that either the employee or the City of Sun Valley can terminate the employment relationship at any time with or without cause and with or without notice.

***PERSONNEL POLICY* AMENDMENTS**

The City Council may, at its sole discretion, alter or amend this *Personnel Policy* or portions thereof, including benefit offerings established herein, at any time without prior notice to or consent by its employees.

CITY OF SUN VALLEY PERSONNEL POLICY

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CITY OF SUN VALLEY
PERSONNEL POLICY

I. GENERAL POLICIES

A. GOVERNANCE OF *PERSONNEL POLICY*

Working for the City of Sun Valley may be somewhat different from any employer for which you may have worked for in the past. The City of Sun Valley is a political subdivision of the State of Idaho, though it is not a part of state government. The City Council serves as the governing body of the City of Sun Valley, carrying out local legislative duties and fulfilling other obligations as provided by law. The City Council is the policy making legislative body for the City of Sun Valley, and as such, has primary authority to establish the policy for the terms and conditions of employment with the City of Sun Valley. The policy terms and conditions set forth in this *Personnel Policy*, and in the resolutions and policy statements which support it, cannot be superseded by any other official's pledge, without the express action of the City Council. That is particularly true for terms or conditions that would establish a financial obligation for the City of Sun Valley now or in the future.

B. *PERSONNEL POLICY* SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

The rules contained in this *Personnel Policy* are subject to change, without prior notice, at any time in the sole discretion of the City Council. The terms set forth herein reflect City policy at the time of its adoption, but the policy is subject to change at any time, without prior notice, and at the sole discretion of the City Council. Any deviation from these policies must be approved by the City Council.

C. DISTRIBUTION OF *PERSONNEL POLICY*

At the time of receiving a written appointment letter or contract from the Mayor, each employee shall be provided a paper or electronic copy of the current *Personnel Policy*. It is the responsibility of the employee. In writing, to acknowledge receipt of the *Personnel Policy* and that he or she has read and understands the *Personnel Policy* by completing the *Acknowledgment of Receipt & Understanding of the City of Sun Valley Personnel Policy* form (see Appendix A) prior to beginning employment with the City.

Periodic updates or changes shall be distributed to all employees either by paper or electronic copy, within five (5) business days and will be acknowledged by each employee of its receipt in writing

within ten (10) business days by completing the *Acknowledgment of Receipt & Understanding of the City of Sun Valley Personnel Policy* form. The most current version of the *Personnel Policy* shall be maintained by the City Clerk and shall be made available for inspection or copying by any City of Sun Valley employee.

D. ADMINISTRATION OF THE *PERSONNEL POLICY*

While the City Council has authority to establish the policy for the terms and conditions of employment with the City of Sun Valley, the Mayor is the Chief Administrative Official of the City and has the sole authority to establish administrative policies and procedures, which implement the policy of the City Council.

The Mayor may designate in writing other personnel (designee) to help carry out administrative policies and procedures and notify all staff of such designations.

Individual department heads may, with the Mayor or designee's approval, establish work standards and procedures necessary to safely and effectively carry out the functions of the department, provided such standards and procedures do not diminish the benefits or protections granted to the employee by City policy.

Each employee should recognize that although he or she may serve as an employee supervised by the Mayor, designee or a department head, he or she remains an employee of the City of Sun Valley, not of the official who supervises his or her work.

E. AT-WILL EMPLOYMENT

Except as required by law, or pursuant to a written contract signed by the Mayor that specifies an employment term or limits the reasons for which the employee can be terminated, employment with the City of Sun Valley is "at-will." At-will employment means that either the employee or the City of Sun Valley can terminate the employment relationship at any time with or without cause and with or without notice.

F. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of City of Sun Valley employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, gender , age, national origin, genetic information or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, gender, or age is a bona fide occupational qualification. All objections to application of City of Sun Valley policy in this regard

shall be brought to the attention of the Mayor or designee, respective department head, or in the case of objection to actions undertaken by that person, taken to the next higher supervisor. As a general rule, objections shall be taken to legal counsel for the City by the supervisor of the employee with the objection.

G. ELECTED OFFICIALS

Elected officials are not considered employees and as such this *Personnel Policy* does not apply to those who are elected to the positions of Mayor or City Councilperson.

II. APPOINTMENT, REMOVAL AND ADMINISTRATIVE SUPERVISION AUTHORITY

A. APPOINTMENT AND REMOVAL AUTHORITY

1. City Officers

Idaho Code 50-204 establishes the Mayor, with the consent of the Council, shall appoint three

officers, including a City Clerk, City Treasurer and City Attorney. The affirmative vote of one-half plus one of the members of the full Council shall be required to confirm any nomination by the Mayor. A City Officer may be removed by the Mayor for any cause with the affirmative vote of one-half plus one of the members of the full Council; provided, that the City Council, by the unanimous vote of all its members, may upon its own initiative remove any appointive officer.

2. Other City Officers

City Council may designate additional appointed officers, including a City Administrator. The process for appointing and removal is the same as for the City Clerk, City Treasurer and City Attorney.

3. Other City Employees

All other personnel employed by the City shall be appointed and removed by the Mayor or designee.

B. ADMINISTRATIVE SUPERVISION AUTHORITY

1. The City Administrator and the City Attorney shall be directly supervised and evaluated by the Mayor.
2. All other personnel, including the City Clerk and City Treasurer, shall be supervised directly and evaluated by the Mayor or Designee.

III. RECRUITMENT, PREFERENCE FOR HIRING, NEPOTISM LIMITATION AND SELECTION

A. RECRUITMENT

The employment hiring process is comprised of the following stages:

1. Vacancies

When a vacancy occurs, a request to fill the vacant position shall be prepared by the respective department head and presented to the Mayor or designee. It shall include information pertinent to the decision of whether or not to fill the vacancy. The Mayor or Mayor's designee shall review the budget to ensure that each vacancy is within its budgeted position allocation. The Mayor or Mayor's designee shall also consider the availability of in-house candidates to fill the vacancy.

2. Recruitment Process

The recruitment process will begin when a request is received and approved by the Mayor or Mayor's designee. The Mayor or Mayor's designee shall determine the recruiting sources to be used and the recruitment time period, taking into account the City's needs, recruitment strategy, and any special requirements of the position.

Notice shall be provided to City employees and the public of the position opening once the recruiting process has been determined. A competitive hiring process will be used in determining the best candidate for the position. A rigorous, comprehensive evaluation of each applicant's qualifications will be completed.

3. Notice of Recruitment

Notice of all City recruitments shall be posted on the City's facilities bulletin boards or other designated locations for a period of at least three (3) business days. This notice shall include the deadline for filing applications.

4. Application Process

All applications for employment shall be made on an official City application form. The form will require information covering a candidate's education, training, experience, and other information deemed pertinent and allowable by law. When the position to be filled requires special educational or professional experience, a resume and other application submittals may be required instead of the official City application being filled out.

B. HIRING PREFERENCE

1. PREFERENCE FOR HIRING EQUALLY QUALIFIED CANDIDATES FROM WITHIN

City staff will be notified of all employment opportunities. Qualified individuals who are already employees of the City of Sun Valley may be given preference over outside applicants to fill vacancies in the workforce when his or her qualifications are equal or greater than those of other applicants.

2. VETERAN'S PREFERENCE

The City of Sun Valley shall comply with the reemployment, leave of absence, and other provisions of the uniformed services employment and reemployment rights act ("USERRA"), 38 U.S.C. Section 4301, et. seq. as amended, and with provisions of Idaho Code §65-503 or its successor. These rights can include the right to reinstatement to the same or equivalent job following qualifying military service and the right to termination only for cause for a certain period of time following reinstatement, depending on the length of qualifying military service.

3. NEPOTISM LIMITATION

No person shall be employed by the City of Sun Valley when said employment would result in a violation of provisions found in Idaho Code, including but not limited to Idaho Code § 59-701 et seq., Idaho Code §18-1359 and their successors. Any such appointment made in violation of these sections may be void. The appointment or employment of the following persons is prohibited: (The graphic below depicts the degree of relationships.)

a. No person related to the Mayor or a City Council member by blood or marriage within the second degree shall be appointed to any office, position, employment or duty; and

b. No public servant of the City of Sun Valley, including elected officials and employees, shall appoint or vote for the appointment of any person related to him or her by blood or marriage within the second degree to any office, position, employment or duty.

An employee whose relative is subsequently elected may be eligible to retain his or her position and pay increases as allowed in Idaho Code §18-1359(5).

	4 GREAT GREAT GRANDPARENT
4 GREAT GRAND UNCLE/AUNT	3 GREAT GRANDPARENT

	3 CHILD OF GREAT UNCLE/AUNT	3 GREAT UNCLE/AUNT	2 GRANDPARENT
3 SECOND COUSIN	2 COUSIN	2 UNCLE/AUNT	1 PARENT
3 COUSIN'S CHILD	2 NEPHEW/NIECE	1 SIBLING	1 SPOUSE/SIGNIFICANT OTHER
3 GRAND NEPHEW/NIECE			1 CHILD
			2 GRANDCHILD
			3 GREAT GRANDCHILD

C. SELECTION

1. Applicants for positions shall meet the minimum qualifications of the position for which he or she has applied. Qualifications shall be evaluated on the basis of information provided on the application form, resume, personal interview, and any supplemental documents required by the City, as well as on written and performance test scores, interview scores, references and background investigations.

2. When a candidate has been selected for a position, the Mayor or designee shall prepare an employment offer letter or employment contract. The employment offer letter or employment contract will include, but not be limited to, the following information:

    a. The position title and effective date of hire;

    b. The wage/salary which will be offered; and determination whether the position is exempt from overtime under federal labor law;

    c. The working hours;

    d. Notice that the appointment is contingent upon successful completion of applicable background checks, a physical examination, if the position is in a classification, which requires such, and other appropriate contingencies as determined by the Mayor or designee;

    e. A copy of the job description;

f. A copy of the *Personnel Policy* and *Acknowledgment of Receipt & Understanding of the City of Sun Valley Personnel Policy* form;

g. A signature block for the candidate to sign, indicating that he or she has accepted the position under the above circumstances.

h. A signature block for the Mayor, and when required, dates of City Council consent for the appointment.

IV. EMPLOYMENT COMMENCEMENT & RECORDS

A. EMPLOYMENT FORMS TO BE COMPLETED

The following pre-employment forms must be completed before the employee may begin work for the City of Sun Valley:

1. Employment application form, including employee appointments that provided resumes at the time of application for the position.
2. Background check(s).
3. Insurance forms.
4. Immigration form (I-9).
5. Insurance information about dependents (if such coverage is available).
6. Authorization for the City of Sun Valley to issue employee's paycheck by direct deposit.
7. Signed "Acknowledgment of Receipt of the City of Sun Valley *Personnel Policy*" form.
8. Any other benefit forms necessary for employee information.

B. EMPLOYEE PERSONNEL & PAYROLL FILES

1. Personnel Records

   a. Official Employee Records

   Employee personnel records for the City of Sun Valley will be kept in the office of the Mayor or designee, who serves the City as its human resource administrator. Within these personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with

the City of Sun Valley. The employee's supervisor, Mayor or designee or the employee himself or herself may contribute materials to the personnel files deemed relevant to the employee's performance and tenure. Each employee shall have the right to review all materials placed in his or her personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files shall not be removed from the premises except as necessary for City purposes. Employee medical records, if any, shall be filed and kept in full compliance with the requirements of the Health Insurance Portability and Accountability Act (HIPAA).

b. Access to Personnel Files

It is the policy of the City of Sun Valley to allow only limited access to an employee's personnel file. Those authorized to evaluate materials in a personnel file include the Mayor or designee, the employee's supervisor, attorney(s) for the City under certain conditions when approved by the Mayor or designee, and the employee himself or herself. Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with authorization of the supervising official after consultation with the City Attorney. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by legal counsel for the City or pursuant to Court Order, or pursuant to a proper subpoena. The City, through the Mayor, reserves the right to disclose the contents of personnel files to outside state or federal agencies, when the agency provides sufficient documentation for such access; to its insurance carrier or its agents for risk management purposes, including liability or property damage; or when necessary to defend itself against allegations of unlawful conduct.

2. Payroll Records

The Finance Manager will maintain separate employee records in a file to be known as the employee's Payroll Record File, which will include the following originals or copies: the employee's W-2 form; the Employee's Employment Eligibility Verification Form (Form I-9) (required for all employees by the U. S. Department of Justice, Immigration and Naturalization Service); the employee's PERSI application; authorizations for salary deduction for benefits; copies of the employee's selection of benefits; time and attendance records; payroll records; changes to pay rates or salary, wage garnishments and any other records which are not related to the employee's performance.

V. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. This list, however, is not all inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Among these rules, the most important is the rule addressing attitude and cooperative behavior.

A. PERSONAL PERFORMANCE AND BEHAVIOR

Each employee of the City of Sun Valley is expected to conduct him or herself in a manner that is respectful, helpful, productive, and that does not reflect adversely upon the City of Sun Valley. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of the City of Sun Valley as a public institution, each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon the City of Sun Valley and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity. This is the first priority for all employees.

2. Shall be prompt and regular in attendance at work or other required employer functions.

3. Shall comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be appropriate for the functions performed and shall present a suitable appearance to the public.

4. Shall dedicate primary efforts to the City of Sun Valley employment with secondary employment subject to approval by the appointing official. Each employee must notify the appointing official of any other employment, self-employment or other business interests. Secondary employment should not conflict with duties performed for the City in any meaningful way. Individual department rules may spell out permissible examples of "moonlighting" wherein employees may hold additional positions.

5. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City of Sun Valley and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to Idaho Code §18-1356 (accepting gifts that exceed a value of $50.00), Idaho Code §59-701 et seq. (Ethics in Government Act), Idaho Code §59-201 (Prohibitions Against Contracts) and Idaho Code §18-1359 (Using Public Position for Personal Gain).

6. Shall not accept gifts or gratuities in any personal or professional capacity, which is in violation of Idaho Code § 18-1356 and Idaho Code § 18-1357.

7. Shall not serve on any board, commission or committee that is funded in whole or part by the City or that regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee, unless appointed by the City Council to said board, commission or committee.

8. Shall not release any public record except through the City Clerk, who administers the Public Document Request process for the City, including any order from a court or public agency of competent jurisdiction.

9. Only the City Clerk may release personnel records for custody of the record and after consulting with legal counsel for the City or with an order from a court or public agency of competent jurisdiction.

10. Shall not engage in conduct away from work that may reflect adversely upon the City of Sun Valley or its officials or otherwise impair the employee's ability to perform.

11. Shall not use, sell, purchase, transfer or possess any illegal drugs or be under the influence of any illegal drug or alcohol while in a City of Sun Valley facility, operating a City of Sun Valley vehicle, or while performing City of Sun Valley business. Further, except as provided below, the use of or being under the influence of legally obtained drugs while performing City of Sun Valley business is prohibited to the extent that such use or influence may affect the safety of the employee taking the legal drug, the safety of other City of Sun Valley employees or other third parties, or it effects the employee's ability to perform the essential function of their job or otherwise impedes the efficient operations of the City of Sun Valley business.

    An employee may continue to work, even though under the influence of a legal drug. If the employee does not pose a threat to their own safety or the safety of others, and their job performance is not significantly affected by the legal drug, and the use of the legal drug does not otherwise disrupt the efficient operations of the City of Sun Valley business. Should the City of Sun Valley have a reasonable basis to believe that an employee's use of a legal drug impairs the employee's ability to safely do his or her job, risk the safety of others, or impair the employee's ability to perform the essential functions of his or her job, or otherwise disrupt the efficient operations of the City of Sun Valley business, the employee may be required to attend a medical examination for the purpose of determining answers to those questions, including whether these concerns can be alleviated through a reasonable accommodation.

12. Shall not engage in workplace or public conduct that is otherwise detrimental to the accomplishment of the goals established by the City Council, the Mayor or the department head for whom he or she works.

B. WORKPLACE CONDUCT

Each employee will be expected to conduct him or herself in the workplace in accordance with the following rules. These rules are not all-inclusive of conduct expected of City of Sun Valley employees. Each employee of the City of Sun Valley shall:

1. Give his or her best efforts to accomplish the work of the City of Sun Valley for public benefit in accordance with policies adopted by the City Council and the procedures established by the Mayor displaying an attitude of cooperation and constructive participation.

2. Be subject to the administrative authority of the officials who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.

3. Adhere to any code of ethics in his or her profession and avoid conflicts of interest or using his or her public position for personal gain.

4. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained, as specified in these *Personnel Policies.*

5. Abide by all departmental rules whether the rules are written or issued orally by the supervisor. No employee shall be required to follow the directive of a supervisor which violates laws of the City of Sun Valley, any other local jurisdiction or the State, or nation.

6. Abide by all applicable State and federal statutes, and City of Sun Valley rules concerning the dissemination of information to the public about the City of Sun Valley business or the disclosure of a public record maintained by the City of Sun Valley. The decision to release information from the public record or to disclose writings or other information in the hands of a public official belongs to the City Clerk. Therefore, each custodian of a public record maintained by the City of Sun Valley and any employee assisting such custodian must take reasonable measures to ensure the confidential nature of records which are exempt from the

public disclosure laws. Any employee that has a question about a public record's request or whether a document or record in the custody or control of the City of Sun Valley is exempt from the public records disclosure laws should contact the City Clerk.

7. Follow all rules and procedures established by the Mayor or Mayor's designee for workplace drug testing.

8. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours and obtaining the supervisor's approval for time-keeping records. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.

9. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.

10. Report all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.

11. Report any accidents observed to have happened on City property or involving City property. Each employee shall provide as much information as he or she can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist that in need.

12. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.

13. Maintain a current driver's license when necessary in the conduct of work for the City of Sun Valley. Each employee must report any state-imposed driving restrictions to his or her immediate supervisor. Each employee is also obligated to notify his or her supervisor in the event that his or her driving abilities are impaired.

14. Perform such obligations as are necessary to carry out the work of the City of Sun Valley in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

C. PROHIBITED WORKPLACE CONDUCT

Each employee of the City of Sun Valley is prohibited from the following conduct. These rules are not all inclusive of the prohibited conduct of each employee.

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform his or her work competently or which would threaten the safety or well being of other workers or the public, except as agreed to after proper evaluation by the City.

2. Engage in abusive conduct to fellow employees or to the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud or harassing speech.

3. Sleep or be absent from the employee's workstation when on duty. Employees shall be attentive to their work at all times.

4. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.

5. Use work time for personal business, including the selling of goods or services to the general public and fellow employees.

6. Use work time or public premises to promote religious beliefs to members of the public or fellow employees.

7. Engage in political activities while on duty in public service. This rule shall not apply to elected officials.

8. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.

9. Destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (IDAHO CODE §§ 18-3201 and 18-3202).

10. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.

11. Smoke, except in designated outdoor smoking areas, if so provided.

12. Abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with City of Sun Valley policy.

13. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the City of Sun Valley policy for use of vacation, sick, bereavement, or other types of leave granted by this *Personnel Policy*.

14. Engage in prolonged visits with co-workers, children, friends, or family members who interfere with the course of work in the office or department in which the employee serves.

15. Use phones or computers in the workplace in a manner that violates policy or which disrupts workplace activities.

16. Engage in criminal conduct of any kind while on duty or off. City of Sun Valley employees are expected to behave in a lawful and socially acceptable manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.

17. Violate any lawful rule established by the appointing official to maintain order and productivity in the workplace.

18. Unlawfully harass a fellow worker or member of the public at any time while in the City of Sun Valley active service, as outlined in the City's Unlawful Harassment Policy.

D. RELATIONSHIP POLICY

1. No employee of the City of Sun Valley shall hire another paid employee who is related to the supervisor within the second degree of affinity or consanguinity Idaho Code §18-1359 or its successor)

2. No employee of the City of Sun Valley shall supervise or otherwise exercise discretion concerning another paid employee who is related to him or her within the second degree of affinity or consanguinity.

3. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his or her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate.

E. HOURS OF WORK

City Hall shall be open from 8:00 AM to 5:00 PM Monday through Friday, except holidays. Because City of Sun Valley employees are public servants serving the residents and visitors of the City of Sun Valley, it is expected that each employee complete work assignments at City offices and not at home or other locations, except as necessary to complete their assignments. The hours of work of individual positions may be outside of these open hours, when proposed by the respective department head, in writing, and approved by the Mayor or designee, in order to serve the needs of the City.

F. RESIDENCY REQUIREMENTS

1. The Fire Chief, Assistant Fire Chief, Police Chief, Assistant Police Chief and Street Superintendent are required to reside within the incorporated limits of the City of Sun Valley or Ketchum, or when approved by the Mayor, a reasonable travel distance from his or her primary station. The City Council may on an annual basis budget a housing allowance or suitable housing to aid in the additional costs of residency on a case-by-case basis.

2. The Mayor may adopt residency restrictions on travel time and distance requirements for emergency services employees or ~~volunteer~~Fire Department paid on-call employees in order to maintain and ensure rapid employee response times during emergencies.

G. VEHICLE USE POLICY – Appendix B

1. City-owned vehicles are intended to be used for City purposes, however, an employee may use a City vehicle for transportation to and from an eating establishment, only if the meal period occurs during the employee's working hours and the employee, due to the particular work assignment, has no access to a private vehicle or needs to respond immediately during the employee's working hours. ~~shall never be used for private purposes~~. When employees are required to travel outside the City while on City business, employees should use a City vehicle, unless the Mayor or designee approves use of a private vehicle.

2. Fire Department personnel, including ~~paid~~ full-time employees and ~~volunteer~~paid on-call employees may be provided EMS licensure vehicles, subject to the licensure standards set forth in Idaho statute. These City-owned vehicles may be taken home for the purpose of responding to non-transport EMS and other emergency calls in the City and other mutual aid, auto aid jurisdictions and for incident command response. EMS licensure vehicles shall not be used for private purposes or personal use except for meal or break stops taken in the course of employment or *de minimis* personal errands only while traveling between work and home in a manner that does not materially increase the number of miles a vehicle is driven. *De minimis* refers to small, trifling, and insignificant personal use that is incidental to business use.

3. During winter months, the Street Department personnel may be provided a City-owned truck, equipped with plow and sanding equipment, to respond quickly to road safety needs. ~~Such vehicles shall not be used for private purposes.~~ Personal use of such vehicles is not authorized except for meal or break stops taken in the course of employment or de minimis personal errands only while traveling between work and home in a manner that does not materially increase the number of miles a vehicle is driven. *De minimis* refers to small, trifling, and insignificant personal use that is incidental to business use.

4. The Mayor or designee shall develop procedures for the use and maintenance of City-owned vehicles. Appendix B provides the current policy for use of the City-owned vehicles.

H. ELECTRONIC COMMUNICATION DEVICES & SYSTEMS USAGE POLICY – Appendix C

The Mayor or designee shall develop procedures for the use of electronic communication devices and systems. Appendix C provides the current policy for use of electronic communication devices and systems.

I. FIRE DEPARTMENT VEHICLE REPAIR BAYS, TOOLS, AND EQUIPMENT USE POLICY

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Fire Department vehicle repair bays, tools, and equipment are intended to be used for City purposes, however, Fire Department off-duty or paid on-call employees may use the equipment and vehicle repair bays between 5:01 p.m. and 7:59 a.m. to wash and do basic maintenance on their personal vehicles. The personal vehicles must be those that are used to attend or participate in City of Sun Valley Fire Department functions or training exercises or to respond to emergency calls. Only those materials and tools purchased by the off-duty or paid on-call employees or by the volunteer association may be used.

J. FIRE DEPARTMENT UNIFORM POLICY

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Fire Department issued uniforms shall not be worn when not on-duty for the City of Sun Valley. Tee shirts and sweatshirts with the Sun Valley Fire logo may be worn when off-duty provided they are not worn at parties or locations where the primary function is the service of alcoholic beverages. No Fire Department uniforms or clothing whether issued by the Department or purchased by an employee may be sold.

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VI. EMPLOYEE CLASSIFICATION FOR POLICY PURPOSES AND COMPENSATION

A. DETERMINATION OF EMPLOYEE CLASSIFICATION – JOB DESCRIPTION

Employee classification and status is determined by the employee's job description provided at the time of appointment. The job description will include but is not limited to the position title, statement of duties, required skills, knowledge and abilities, education and experience requirements, and hours of work. The job description will be developed by the department head and approved by the Mayor or designee. The Mayor or designee shall conduct a review of each job description periodically. The Mayor or designee may from time to time abolish certain job positions or leave the position unfilled based upon the needs of the City.

B. GENERAL CLASSIFICATION POLICIES

Employee classification is organized by class or category in order to administer employee policies, benefits and/or other employment issues. It is generally the responsibility of the employee to assure that he or she is properly categorized for purposes of each issue or benefit type. The City will endeavor to assist with such matters, but the employee shall be ultimately responsible to assure that his or her service is properly categorized.

1. Employee Classification

Any employee, regardless of designation, and including the City Clerk, City Treasurer, City Attorney and City Administrator, may utilize the opportunity to be heard with regard to allegations of unlawful discrimination and "name-clearing hearing" procedures set out in Section XII of this *Personnel Policy* should he or she believe that an employment action taken against him or her was the result of unlawful discrimination or involves an allegation entitling him or her to a name-clearing hearing.

2. ~~Volunteer~~Paid on-call Firefighters Classification

City ~~Volunteer~~paid on-call firefighters are accepted into the department by the Mayor and may be removed at anytime by the Mayor. Any ~~volunteer~~paid on-call firefighter may utilize the opportunity to be heard with regard to allegations of unlawful discrimination and "name-clearing hearing" procedures set out in Section XII of this *Personnel Policy* should he or she believe that an employment action taken against him or her was the result of unlawful discrimination or involves an allegation entitling him or her to a name-clearing hearing.

3. Reduction in Force

Changes in employment status that are the result of budgetary needs, reductions in force, or general changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the City Council. The City Council, therefore, retains full authority, without prior notice, to modify the general terms and conditions of employment. Should an employee believe that any such decision is the result of unlawful discrimination, he or she may utilize the opportunity to be heard procedures set out in Section XII of this *Personnel Policy*.

C. EMPLOYEE CLASSIFICATION AND BENEFIT ALLOWANCES

The classification of a position an employee holds with the City of Sun Valley may affect the status of obligations or benefits associated with his or her employment. The primary classes of employees and respective benefits are outlined as follows:

1. Full-Time Regular Employee
    a. Employee whose typical work schedule calls for at least 30 hours of scheduled work during a seven (7) calendar day period; or Police Department or Fire Department employee whose typical work schedule calls for 80 hours of scheduled work during a fourteen (14) calendar day period.

    b. A full-time regular employee shall receive all employee benefits provided by the City as such benefits now exist or may be subsequently changed at any time by action of the City Council.

2. Part-Time Regular Employee
    a. Employee whose typical work schedule calls for at least twenty (20) hours, but not more than thirty (30) hours of scheduled work during a seven (7) calendar day period.
    b. A part-time regular employee shall receive employee benefits as follows:
        i. Health Insurance - 25 or more hours a week must be worked to be eligible for health insurance benefits.
        ii. Worker's Compensation.
        iii. PERSI – as provided to other regular employees and proportional to hours worked per week.
        iv. Vacation and Sick Days – Proportional accruals based upon hours work per week.
        v. Holidays – If scheduled to work on regular basis on the day a holiday falls, the part-time regular employee shall be paid holiday pay; otherwise, no holiday pay is provided.

3. Temporary or Seasonal Employee
    a. Employee who works on an irregular, seasonal or temporary basis, even though he or she may work more than twenty (20) hours per week.

b. A temporary or seasonal employee will receive no benefits provided to regular full-time or regular part-time employees, except those required by law.

4. Independent Contractor

An independent contractor, who provides service(s) to the City on a contractual basis, is not considered a City employee. As such, this *Personnel Policy* does not apply to an independent contractor.

5. ~~Volunteer~~Paid on-call Firefighter

~~a.~~ The City of Sun Valley Fire Department welcomes men and women interested in serving as ~~volunteer~~paid on-call firefighters ~~to~~ for the community. ~~A volunteer understands membership is derived solely from a desire to render service to the community and that membership does not include the right to compensation or other material benefits for service.~~

~~b.~~ A Fire Department ~~volunteer~~paid on-call firefighter- is ~~not~~ an employee who generally works on a part-time basis and may have other part-time or full-time employment outside the City. Paid on-call firefights receive State workers' compensation coverage and only those other benefits require by law. ~~and, therefore, not eligible for benefits or compensation accorded City employees. In accordance with Federal Labor Standards Act, the City may pay a volunteer's expenses, reasonable benefits, a nominal fee, or any combination thereof, so long as the payment to the volunteer does not rise to the level of "compensation" for services rendered and thereby nullify the volunteer status and become deemed an employee of the City and eligible for minimum wage and/or overtime compensation.~~ The Mayor or designee shall develop for City Council approval, a ~~benefit~~ salary plan for Fire Department paid on-call employees.~~Volunteers, which shall include, but is not limited to, State workers' compensation coverage.~~

a.

D. COMPENSATION POLICIES

The City of Sun Valley compensates employees in accord with decisions made by the City Council as budgets are set and tax levies are authorized. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or status quo maintenance for any time period. The Mayor or designee shall maintain a Salary Pay Range (See Section IX below), but the final decision regarding compensation policy rests with the City Council. The City Council reserves the right to make budget adjustments, and consequently pay adjustments, during the course of the budget year in order to manage cash flow or to deal with other circumstances which justify or require change in City expenditures.

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1. Compliance with State and Federal Pay Acts

   The City of Sun Valley shall comply with all State and Federal Pay Acts respecting the compensation of employees for services performed in the public service.

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2. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

   Leave will be granted and full pay provided to employees called to serve as a court witness in matters specifically related to City operations, who are required to obey a subpoena compelling their appearance before a court or other proceeding, or who are called to serve on jury duty. Employees who are released from jury duty or subpoena during scheduled work hours must immediately report to his or her supervisor and work-site for duty. An employee noticed for jury duty or a proceeding pursuant to a subpoena or other judicial process shall notify his or her supervisor within three (3) business days after receiving the notice, and, upon being called or summoned for a specific date to serve as juror or appear as a court witness, the employee shall notify his or her supervisor immediately that he or she shall not be at work for such purpose.

3. Military Leave and Re-employment

   The City's employment policy will comply with the provisions of Idaho Code § 46-224, et seq., or

   its successor, as those Code provisions govern leaves of absence for military service and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA). An employee who is a member of the National Guard, or is in a reserve component of the Armed Forces of the United States, or of the Public Health Services, shall be entitled to a leave of absence from City service for a period not exceeding 15 calendar days in any one (1) calendar year period. Such leave shall be granted without loss of time, pay, or other benefits to which the employee is entitled. When an employee receives bona fide orders to temporary active or training duty, such military leave longer than 15 days in any calendar year shall be granted without City pay.

4. Right to Change Compensation and Benefits

   The City of Sun Valley reserves the right to change general compensation for any reason deemed appropriate by the Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent City budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as workload changes.

5. Overtime Compensation Policy

In addition to the employee classifications set forth elsewhere in this *Personnel Policy*, all employees are classified as Exempt (salaried) or Nonexempt (hourly) for purposes of complying with the Federal Fair Labor Standards Act (FLSA). FLSA is the federal wage and hour law, which governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of FSLA because they perform work that qualifies for the professional, executive administrative, outside sales, or computer/IT employee exemptions. As such, exempt employees are not entitled to receive overtime pay for hours worked beyond the limits provided by the statute.

a. It is the policy of the City of Sun Valley that non Police and non Fire hourly employees who work over the regular 40 hours paid in each seven-day work period; and Police and Fire hourly employees who work over the regular 80 hours paid in each 14-day work period, will be compensated in the appropriate payroll period at 1 ½ times their regular rate of pay for each additional hour worked. For purpose of calculating qualifying overtime hours, the City of Sun Valley's work week shall be Monday through Sunday of each week for all non Police and non Fire hourly employees and Monday through the second following Sunday for all Police and Fire hourly employees. Additionally, the 40 hour and 80 hour thresholds for overtime compensation only includes hours actually worked, and not vacation hours, sick leave hours, compensatory time taken, or the like.

b. An employee may request "compensatory time off without pay" in lieu of receiving overtime pay consistent with the applicable FLSA regulations. It is the policy of the City, however, to pay overtime instead of allowing an employee to accrue compensatory hours. A compensatory time off request must be made each time overtime hours are worked and should be directed to the employee's supervisor, who may grant the request, if time off would not pose a disruption of operations and the delivery of services, and is acceptable to the Mayor or designee. Compensatory time off will be at the rate of 1 1/2 hours off for each hour of overtime worked.

c. The City Council has set a maximum compensatory time accumulation of 40 hours.

6. Employee Changes in Classification

a. Promotions: An employee who is promoted to a higher classification shall be placed in the higher salary range and receive an increase not to exceed the maximum rate in the new range. When promoted, an employee will retain his or her original hire date for purposes of calculating annual benefits, but November 1st, the annual evaluation date for all employees, will be used for purposes of performance evaluations and merit consideration.

b. Demotion: An employee who is demoted will be placed in a new job position and his or her salary reduced according to the appropriate pay step for that new position.

c. Transfers: An employee who transfers laterally to a classification with the same salary range shall retain his or her present salary placement.

VII. REPORTING AND VERIFYING TIME RECORDS

A. TIME REPORTS

It is the responsibility of each hourly employee, and each salary employee who is FLSA non-exempt, to properly record hours he or she has worked each pay period. Each time sheet shall bear the signature of the employee with a statement verifying its accuracy and a counter signature by a supervisor indicating the hours claimed were actually worked. These records shall be retained as required by the records retention policy of the City, consistent with State law. Exempt employees may be required to document time worked for accountability and benefit purposes, when requested by the Mayor or designee, but as a usual practice, a FLSA exempt employee does not track or report his or her hours.

Any employee with concerns about his or her compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to the Finance Manager as soon as any such concern becomes evident. If the response from the Finance Manager is unsatisfactory, the employee should address the issue to his or her immediate supervisor in order to resolve stated concerns. A written record of such issues may be maintained in the employee's personnel file, at his or her request.

B. PAYROLL PROCEDURES AND PAYDAYS

All employees other than on-call firefighters are paid every other week throughout the year for a total of 26 pay periods. The Finance Manager or his or her assistant will issue paychecks by Direct Deposit, on every other Thursday for all employees other than on-call firefighters. On-call firefighters shall be paid once a month for a total of 12 pay periods. The Finance Manager or his or her assistant will issue

paychecks for the on-call firefighters on the first Thursday of each month. Paychecks compensate employees for work performed in the pay period proceeding the week in which the check is issued.

C. PAYROLL DEDUCTIONS

In accord with Idaho Code § 45-609 or its successor, no payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law.

It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with the official policy of the City. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Finance Manager, the policy shall prevail. Employees are obligated to call to the City Finance Manager's attention to any discrepancies in payroll practices, whether to the advantage or disadvantage of the employee.

D. TRAVEL EXPENSE REIMBURSEMENT

An employee on approved City business shall be reimbursed within 30 days of the submission of an approved expense report for expenses incurred in completing his or her work-related assignment in accord with the procedures established by the Mayor or designee.

E. ON-THE-JOB INJURIES

All on-the-job injuries shall be reported to the employee's supervisor as soon as practicable to allow filing of a worker's compensation claim in the proper manner. If an employee is disabled temporarily by an on-the-job accident he or she should be eligible for worker's compensation benefits. Return to employment will be authorized on a case-by-case basis upon consultation with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the Mayor or designee. For sworn law enforcement officers, the City will handle worker's compensation claims consistent with Idaho Code, Title 72, Chapter 11.

VIII. PERFORMANCE EVALUATIONS

The Mayor or designee serving as the City's human resource manager shall maintain a performance evaluation process, including schedule for evaluations, and criteria to measure employee performance,

forms and procedures to evaluate employee performance, including but not limited to tying performance to the City Council's annual priorities and goals of the employee's respective department.

The City of Sun Valley uses a five (5) level system to evaluate employee performance. Performance evaluations are conducted at an initial six months for new employees; and on November 1st, the annual evaluation date for all employees. The five (5) performance levels are:

- EXCEPTIONAL - Outstanding performance that consistently results in extraordinary and exceptional accomplishments with significant contributions to the objectives of the department and the city.
- EXCEEDS EXPECTATIONS – Excellent performance that exceeds position requirements generating results that positively affect the objectives of the department.
- SATISFACTORY – Good performance with employee fulfilling all position requirements, and, on occasion, generating results above those expected for the position.
- NEEDS IMPROVEMENT – Performance is passable but not up to full expectations for the position. There is room for significant improvement.
- UNSATISFACTORY - Performance does not meet expectations. Situation requires prompt attention and an action plan to address deficiencies.

IX. SALARY PAY RANGE APPROVAL, ADMINISTRATION AND MERIT INCREASES

A. MARKET PAY RANGE APPROVAL

The City's policy is to compensate employees for expected work performed within and beyond the normal work period. The City desires that its salaries are competitive in regional and resort labor markets for its various needed staff positions. Accordingly, the City uses a competitive Salary Pay Range to determine the salary of its employees.

B. SALARY PAY RANGE ADMINISTRATION

1. The Salary Pay Range shall be implemented and administered, under the direction of the Mayor or designee, who shall determine the rate of pay for each employee.
2. The Mayor or designee gathers salary data for the Salary Pay Range every three years. The Salary Pay Range shall include all current job positions in the City and shall set forth minimum

and maximum salary ranges for those positions. The Salary Pay Range minimum and maximums shall be approved by the City Council prior to implementation.

3. A new employee's starting salary shall be based upon the employee's qualifications, experience and education.

C. MERIT INCREASES

When available in the annual budget, merit increases may be awarded by the Mayor or designee based upon the employee's annual performance evaluation completed on November 1st. Merit pay will be awarded by an increase in the step(s) as set forth in the Salary Range Plan and as determined by the employee's location in the Salary Pay Range.

1. Adjustments will not be automatic, but shall depend upon achieving a performance level satisfactory to the Mayor or designee for consideration of a merit increase upon completion of the annual performance evaluation conducted on November 1st.
2. An employee, who has reached the maximum salary approved for his or her respective position in the Salary Pay Range, may be eligible for a one-time bonus for the year based upon his or her annual performance evaluation. The Mayor shall approve any bonus in writing and only if funds are available in the budget's annual merit appropriation, if any.
3. The Mayor shall report in writing to the City Council the total number of employees receiving merit increases and total amount awarded, within thirty (30) days of making the merit awards.

X. EMPLOYEE BENEFITS

The City of Sun Valley offers a number of employee benefits for regular full-time and part-time employees. These benefit offerings are subject to change or termination at the sole discretion of the City Council.

A. VACATION LEAVE

The explicit purpose of vacation leave is to allow the employee extended rest and rejuvenation. Vacation accrues from the start of employment. Vacation leave is available to full time and part time regular employees who have completed the equivalent of six (6) months of employment. As a general practice, an employee will use all vacation days accrued in a given year within 13 months of the employee's anniversary date (start of annual vacation accrual period). At times, annual vacation accruals may not be used due to the need for an employee to work to meet the City's resort seasons service demands and/or an employee's preference to manage the duration of approved vacation periods. A portion of annual accrued vacation, therefore, may be carried over for future scheduled

vacation leave depending on the length of the employee's service. The accrual rates use requirements and allowed carry-over limits are as follows:

Accrual Period	Days	Minimum Vacation to be Used in 13 months	Allowed Carry-over Hours
1 – 24 months (1 - 2 years)	10	10	0
25 - 98 months (3 - 9 years)	15	15	0
99 - 240 months (10 - 20 years)	20	15	40
241 months (21+ years)	25	20	40

Vacation leave is to be scheduled with consent of the responsible department supervisor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of the City. Employees may need to regularly schedule vacation during slower periods during the resort year.

Upon separation from employment unused vacation leave, which has been carried-over up to the maximum hourly allowance, will be compensated by lump-sum payment at the then-current hourly or daily rate.

B. SICK LEAVE

1. Sick leave benefits are provided to regular full-time employees at the rate of eight (8) hours per every month of employment. Sick leave is a benefit to provide relief to the employee in the event of illness to the employee or his or her immediate family. It is to be used only in the event of an illness or injury that prevents the employee from working productively or safely or if an immediate family illness presents no practical alternative for Bereavement Leave for an additional seven (7) days. Sick leave must be requested at least within two (2) hours of the time when the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. Supervisors asked to approve use of sick leave may, at City of Sun Valley expense, request an independent review of reported illness at any time by a competent medical authority, with the approval of the Mayor or designee.

2. Sick leave may accrue to a maximum of 400 hours. Sick leave benefit recipients receive normal compensation when using sick leave. All unused sick leave will be forfeited without compensation upon separation from employment.

3. Compassionate Leave Donations to a Sick Bank

   The Mayor at anytime may allow for the creation of a permanent or temporary Sick Bank to allow an employee with accrued sick days to donate a certain number of hours to a fellow employee to cover time lost due to illness or accident. There is no entitlement to a Sick Bank being created or implemented.

C. HOLIDAYS

Eleven (11) official holidays are provided for full-time regular employees. An employee who has regular full-time active status on the date of any holiday shall receive compensation for that day even though he or she is not scheduled or expected to work. Holidays which fall on Saturdays shall be observed on the preceding Friday. Those which fall on Sundays shall be observed on the succeeding Monday. The holiday schedule may be changed at any time by the City Council.

Full-time regular non-exempt hourly employees who are scheduled to work on a holiday shall be compensated at a rate of two times the employee's regular rate of pay. Unscheduled emergency work by a non-exempt employee on a holiday shall be compensated at a rate of two times the employee's regular rate of pay.

Recognized Holidays:

New Year's Day	Labor Day
Martin Luther King, Jr. /Human Rights Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Friday after Thanksgiving Day
	Christmas Day

D. BEREAVEMENT LEAVE

Up to three (3) days of paid leave of absence shall be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters). Additional leave may be granted from accrued vacation or sick leave or unpaid leave of absence with the approval of the Mayor or designee.

E. LEAVES OF ABSENCE

The Mayor can grant unpaid leave for any reasonable justifiable purpose. Unpaid leave in excess of thirty (30) days shall require written approval of the City Council.

F. INSURANCE COVERAGE AVAILABLE TO EMPLOYEES

Health insurance is available to employees and family members in accordance with the terms and conditions of the City's contract for such services. Other insurance offerings including life insurance, disability insurance, dental insurance, vision insurance and supplemental income protection may be available at employee or City expense. Any such offerings are subject to change at any time.

G. RETIREMENT

The retirement plan of the City of Sun Valley combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA). PERSI mandates withholding a percentage of an employee's gross salary for pension purposes, which is presently exempt from Federal and State income taxes, and the City of Sun Valley matches this with an additional larger contribution.

H. MISCELLANEOUS BENEFITS

In addition to the benefits listed on the previous pages, the following miscellaneous benefits may be available to employees for participation in accordance with the terms of his or her respective policy or agreement:

1. Deferred compensation plans handled by payroll deduction, such as 457 and 401K plans.
2. Credit union participation.
3. Employee-requested deduction programs subject to City policy.
4. Provision of uniforms, tools, equipment allowance, etc.
5. Further training, as deemed necessary by supervisor.
6. Any such offerings are subject to change at the City Council's sole discretion at any time.

J. TRANSFER OF BENEFITS WITH EMPLOYEE TRANSFER

Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within the City of Sun Valley. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

K. CHANGE IN BENEFITS

The City of Sun Valley, through its City Council, reserves the right to change, condition, or terminate any benefits set forth in this *Personnel Policy*. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

XI. EMPLOYEE PERFORMANCE AND DISCIPLINE

A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

The purpose underlying the discipline/performance policy of the City of Sun Valley is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

The City of Sun Valley adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. The City of Sun Valley reserves the right to take any of the prescribed steps in any order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step.

C. DISCIPLINARY ACTIONS AVAILABLE

The following actions are among the disciplinary steps that may be taken by the supervisor in response to *Personnel Policy* violations:

- Oral warning
- Written warning or reprimand

- Suspension without pay
- Demotion
- Dismissal

D. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND "NAME-CLEARING HEARING"

All City of Sun Valley employees are at-will employees. The City of Sun Valley recognizes, however, at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination. The City of Sun Valley also recognizes a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is entitled to a "Name-Clearing" hearing.

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. The City of Sun Valley does not condone discrimination on the basis of the foregoing unlawful categories. Failure to pursue this opportunity pursuant to this policy shall constitute a failure to exhaust remedies under this policy. Issues involving job performance or employee attitude are not the proper subject of this procedure and will not be heard.

The elements of procedure to be followed and undertaken at the direction of the Mayor or designee unless waived by the employee are the following:

1. The employee may, within fourteen (14) days of his or her termination or demotion, submit a written allegation of unlawful discrimination or the basis for entitlement to a "name-clearing hearing," stating with particularity the basis for the requested meeting. Written allegations filed untimely or failing to state a particular, legally recognized basis will not be granted an opportunity to be heard.

2. An employee alleging unlawful discrimination or the entitlement to a "name–clearing hearing" will be entitled to meet with the designated person, and the meeting will last no longer than two (2) hours unless otherwise approved.

3. There shall be a record maintained, including a tape recording of the meeting.

4. The employee's supervisor, to the extent of his or her knowledge, may be required to provide a brief written statement in response to the particular allegation of discrimination or "name-clearing"

request. The Mayor or designee may request that the employee's supervisor participate in the meeting.

5. The employee will not be prohibited from having an attorney assist him/her at the employee's own expense.

6. The employee will be allowed to present oral testimony (or provide written statements) concerning evidence upon which the alleged discrimination or "name-clearing" is based.

7. The Mayor or designee may ask the employee's witness's questions for clarification purposes should that be necessary during the discussion process.

8. The employee shall not have the opportunity to question any participants during this process, but may submit written questions for the Mayor or designee to consider.

9. The Idaho Rules of Evidence do not apply to this opportunity to be heard.

The opportunity to be heard shall take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to respond to the charges.

After the meeting, the Mayor shall consider the information submitted and such other information as might be in the City's records to arrive at a decision concerning the allegations. Said decision shall set forth the reasons for the determination in writing. If as a result of this opportunity to be heard, the Mayor finds fault with the basis for the City's action, remedial action may be prescribed, including restoration of employment and payment of back pay.

XII. DISCRIMINATORY WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

A. PURPOSE

The purpose of this Harassment Policy is to clearly establish the City's commitment to work to provide a work environment free from unlawful harassment, to define discriminatory harassment, and to set forth the procedures for investigating and resolving internal complaints of harassment. Because of the

importance of a workplace free from unlawful harassment, this policy should be reviewed with each employee on a regular basis.

It is important that all employees treat all other employees and members of the public with decency and respect. It is the responsibility of each and every employee, supervisor and department head to prevent inappropriate behavior in the workplace. Inappropriate behavior which impacts the workplace, or has the potential to impact the workplace, will not be tolerated.

This Policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

B. POLICY

Harassment of an applicant for employment, a member of the public, or an employee by any employee of the City on the basis of race, color, religion, national origin, sex, age (40 and over) and disability is in violation of State and/or Federal law and will not be tolerated by the City of Sun Valley.

Employees found to be participating in any form of employment-related unlawful harassment or retaliating against another employee for filing a complaint or cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

C. RESPONSIBILITIES

The City: It is the responsibility of the City to develop this policy, provide training on this policy, keep it up to date, and to ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this Policy.

The Mayor shall designate in writing who will be responsible for following the Complaint Procedures as set out in this policy. The person designated by the Mayor will be referred to as the "Designated Official."

Supervisors: It is the responsibility of supervisors to enforce the policy, to train new employees on the policy, to make a regular review with all employees to ensure they know the policy and to regularly check the workplace to make sure the policy is being followed.

If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he or she should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, consulting with the supervisor, or a department head and taking corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the supervisor's area of responsibility or oversight, he or she should notify the department head or other appropriate management employee, who should then take steps within not more than two (2) days to address the allegation.

If unlawful harassment is reported or alleged, it must be followed up. No complaining party should be allowed to retract an allegation of unlawful harassment without proving that it was made erroneously. If a supervisor receives information that discrimination, unlawful harassment or retaliation might be occurring, he or she should follow the Complaint Procedure as set out in this policy below.

Employees: It is the responsibility of each and every employee to know this policy and to follow it. All City employees share the responsibility of understanding and preventing unlawful discrimination and harassment. Ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the affected person. An individual who believes he or she has been discriminated against or unlawfully harassed has the primary obligation of informing his or her supervisor, department head, Mayor, Mayor's designee or legal counsel for the City on the act of discrimination, unlawful harassment or retaliation, recounting specific actions or occurrences whenever possible. It is imperative that every employee treats every other employee and members of the public with decency and respect so as to facilitate a sound professional work environment.

D. DEFINITIONS

For purposes of clarification, unlawful harassment includes but is not limited to the following behaviors:

1. Verbal Harassment – Epithets, derogatory comments, slurs, propositioning, profanity, loud or otherwise offensive words or comments on the basis of race, color, religion, national origin, gender , age (40 and over), genetic information, and disability whether made in general, directed to an individual or directed to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually oriented comments, including dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or "kidding" which is oriented towards a prohibited form of harassment.

2. Physical Harassment – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, gender, age (40 and over) and disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

3. Visual Forms of Harassment – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, gender, age (40 and over) and disability. This applies to both posted material and material maintained in or on City of Sun Valley equipment or personal property in the workplace.

4. Sexual Harassment – Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

   There are two types of sexual harassment:

   a. "Quid pro quo" harassment, where submission to unlawful harassment is used as the basis for employment decisions.

      Employee benefits such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if the employee goes on a date with the supervisor; a department head telling an employee the employee will be fired if the employee does not have sex with the department head.

   b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment.

      Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or in certain circumstances, the public. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a

sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

E. COMPLAINT PROCEDURE

The following complaint procedure will be followed in order to address a complaint regarding harassment, discrimination, or retaliation:

1. A person who believes he or she has been unlawfully harassed, discriminated or retaliated against should report it to his or her supervisor, department head, Mayor, Mayor's designee or legal counsel for the City. If a supervisor becomes aware that unlawful harassment or discrimination is occurring in any City department as a result of an employee coming forward, the supervisor should immediately report it to a designated official pursuant to this policy. Once a complaint of unlawful harassment, discrimination or retaliation has been made, the complaint cannot be withdrawn by the complainant without a determination that is was made erroneously.

2. Within twenty-four (24) hours upon receiving the complaint, the Designated Official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this Policy occurred.

3. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the Designated Official should review the complaint with the City Attorney, Mayor and/or Mayor's designee.

4. The Designated Official, in conjunction with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.

5. The investigator will interview the complainant, the respondent, and any relevant witnesses to determine whether the conduct occurred.

6. As soon as practical, the investigator will conclude the investigation and submit a report of his or her findings to the Designated Official, who then will route it as appropriate. The investigator shall report every week to the Designated Official the expected timeframe for completion of the investigation.

7. If it is determined that unlawful harassment or discrimination in violation of the City's policy has occurred, the appropriate official will recommend the appropriate course of action to be taken by the City. The appropriate action will depend on the following factors:

   a. The severity, frequency and pervasiveness of the conduct;

   b. Prior complaints made by the complainant;

   c. Prior complaints made against the respondent; and

   d. The quality of the evidence (first hand knowledge, credible corroboration, etc.).

8. If the investigation is inconclusive or it is determined that there has been no unlawful harassment or discrimination in violation of this Policy, but some potentially problematic conduct is revealed, corrective action must taken.

9. Within three (3) business days after the investigation is concluded, the supervisor(s) will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation. The supervisor, complainant and respondent shall each document in writing and in separate documents the date and time of the meeting.

10. The complainant and the respondent may submit statements to the supervisor(s) challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the supervisor(s) in which the findings of the investigation is discussed.

11. Within two (2) business days after the supervisor(s) has met with both parties and reviewed the documentation, he or she will decide, after consultation with legal counsel, what action, if any, should be taken.

F. DISCIPLINARY ACTION

If unlawful harassment is determined to have occurred, the supervisor should take action within not more than two (2) business days and effective remedial action against the harasser with the overarching goal of implementing reasonable measures to prevent any further harassment. The action will be commensurate with the severity of the offense, up to and including termination of employment.

G. RETALIATION

Retaliation in any manner against a person for filing an harassment charge or initiating an harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination.

H. CONFIDENTIALITY

Confidentiality will be maintained in accordance with applicable Federal, State and local law. A complete and thorough investigation of the allegations, however, may require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved.

I. FALSE COMPLAINTS

Any complaint made by an employee of the City regarding employment-based harassment which is based upon a fraudulent statement of fact may be subject to discipline, including termination of employment. This section is not intended to discourage employees from making complaints regarding employment-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

J. DISTRIBUTION

Access to this policy shall be provided to all employees of the City either by paper or electronic copy. Any questions, concerns or comments related to this policy should be directed to the Mayor or designee or respective department head.

XIII. GENERAL PERSONNEL POLICY VIOLATION AND COMPLAINT PROCEDURE

If an employee believes there is or are a significant violation(s) of this *Personnel Policy* or of local, state or federal law occurring, and not pertaining to Discriminatory Workplace Harassment cover in Section XII. Above, the following complaint procedure will be followed:

A. The Mayor shall designate in writing who will be responsible for following the Complaint Procedures as set out in this policy. The person designated by the Mayor will be referred to as the "Designated Official."

B. A person who believes there is or are significant violation(s) of this *Personnel Policy* or of local, state or federal law occurring, should report it to his or her supervisor, department head, Mayor, Mayor's

designee or legal counsel for the City. Once a complaint has been made, the complainant cannot withdraw the complaint without a determination that is was made erroneously.

C. Within twenty-four (24) hours upon receiving the complaint, the Designated Official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this Policy occurred.

D. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the Designated Official should review the complaint with the City Attorney, Mayor and/or Mayor's designee.

E. The Designated Official, in conjunction with legal counsel for the City, as soon as practicable shall determine the process for determining whether a violation of the Policy has occurred, including but not limited to identifying an appropriate, neutral person to investigate the complaint.

F. If it is determined that a violation of the City's policy has occurred, the appropriate official will recommend the appropriate course of action to be taken by the City.

G. Within three (3) business days after the review process is concluded, the supervisor(s) will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation. The supervisor, complainant and respondent shall each document in writing and in separate documents the date and time of the meeting.

XIV. SEPARATION FROM EMPLOYMENT

A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, the City of Sun Valley reserves the right to reduce forces or reorganize the office in such manner as it deems necessary to maintain the effective functioning of City of Sun Valley services.

B. RETIREMENT POLICY

The retirement policy of the City of Sun Valley shall comply in all respects with federal and state requirements respecting mandatory retirement and the obligations established by the Public Employee Retirement System of Idaho (PERSI).

C. COBRA BENEFITS

Employees of the City of Sun Valley who currently receive medical benefits, who separate their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). For questions regarding continuing rights to health coverage after separating from the City of Sun Valley, contact the Finance Manager.

D. EXIT INTERVIEW

Each employee who terminates from employment with the City of Sun Valley is encouraged to participate in an exit interview with the designated representative of the City, or in the event of involuntary termination with the Mayor or designee. In such interview, the employer should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee will be invited to inform the interviewer about his or her impressions of employment in such interview. An employee exit form may be completed at this point and will be retained in the employee's personnel file.

E. RESIGNATION POLICY

Voluntary resignations will generally be made in writing. If the employee wants their formal records to indicate "voluntary resignation", he or she must do so in writing to his or her supervisor or department head. The department head will document oral resignations in a form determined by the Mayor or designee as human resource director. Evidence of acceptance of a resignation shall be provided to the ex-employee; unless it is determined the ex-employee has no verified contact information where such evidence of acceptance can be delivered. An employee who has an unexcused or unauthorized absence of three (3) working days or more may be considered to have abandoned his or her position and therefore resigned.

APPENDIX A – ACKNOWLEDGEMENT OF RECEIPT OF THE CITY OF SUN VALLEY PERSONNEL POLICY

CITY OF SUN VALLEY PERSONNEL POLICY

ACKNOWLEDGMENT OF RECEIPT & UNDERSTANDING

OF THE *CITY OF SUN VALLEY PERSONNEL POLICY*

I, _____ acknowledge receipt on _____ *(date)* of a paper or electronic copy of this *Acknowledgment of Receipt & Understanding of the City of Sun Valley Personnel Policy* form; and, receipt of a paper or electronic copy of the *City of Sun Valley Personnel Policy,* which was adopted by City Council Resolution 2012-05, on October 2, 2012; and, I understand I am required to return this form not later than _____ *(date)*, to the Mayor or designee.

In addition, I verify:

Initials

_____ I have read and understand the *Personnel Policy.*

_____ I understand this *Personnel Policy* is not a contract and cannot create a contract.

_____ I understand I am obligated to perform my duties of employment in conformance with the provisions of this *Personnel Policy* and any additional rules, regulations, policies or procedures imposed by the department in which I work whether or not I choose to read the new *Personnel Policy.*

_____ I understand this *Personnel Policy* may be modified without prior notice to me.

_____ I understand should this *Personnel Policy* be modified I will be provided with a copy of the modifications in paper format within five (5) business days of modification; and must return this *Acknowledgment of Receipt & Understanding of the City of Sun Valley Personnel Policy* form within ten (10) business days.

DATED this ___day of _____.

Employee Printed Name: _____ Title: _____

Employee Signature: _____

APPENDIX B - VEHICLE USE POLICY

CITY OF SUN VALLEY PERSONNEL POLICY

VEHICLE USE POLICY

DEFINITION: Motor vehicle or vehicle shall be defined as any motor vehicle, including road or street and path maintenance equipment.

A. PURPOSE: the purpose of the vehicle use policy is to set the policies and procedures for the use and operation of city of Sun Valley vehicles by its employees. The policy and procedures:

1. Help ensure the safety of city employees.

2. Encourage the efficient and effective use of city resources; and

3. Minimize liability to the city.

4. Establish the understandings, requirements and rules for all employees who drive a motor vehicle in the course of city business.

B. ADMINISTRATION: The Mayor of Sun Valley is the administrative authority issuing this policy. Daily administration is the responsibility of the mayor or designee and department heads.

C. GENERAL POLICIES AND PROCEDURES

1. In order to be authorized to operate a City vehicle, an employee must possess a valid State of Idaho Driver's License of the class required for operation of the particular City vehicle. Driver's Licenses will be filed with the Treasurer/Finance Manager. It is the responsibility of the department head to document and monitor each employee's license in his or her respective department, providing updated copies of renewed licenses to the Treasurer/Finance Manager.
2. In the event an employee's driver's license is suspended for any reason, the employee will promptly notify the department head. The employee will not operate a City vehicle during the term of the suspension.
3. An employee is granted permission to use a City-owned vehicle with the express understanding that the vehicle is for official City business ~~only and not to be used for personal trips or errands~~. An employee operating a City vehicle shall not permit persons other than

City employees, elected or appointed officials and persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

4. The driver and all occupants must wear seat belts at all times when operating any City vehicle.
5. The driver must obey all traffic laws at all times and to drive in a safe and courteous manner.
6. The use of alcohol, illegal drugs, or any drugs or substances that may affect the employee's ability to drive safely are prohibited.
7. An employee's intentional or negligent abuse or misuse of a City vehicle may lead to discipline including, but not limited to the cost of repair or replacement.
8. All City owned vehicles are subject to inspection and/or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

9. Any employee fueling a City vehicle will follow the instructions on the Fuel Log provided and fully explained and monitored by the department head.

D. VEHICLE CARE

1. Each employee will be responsible for the safekeeping, serviceable condition, proper care, use and replacement of any vehicle assigned or entrusted to them.

2. Before taking the vehicle into service, the Employee will inspect the interior and exterior of any assigned vehicle. Any previously unreported damage, mechanical problem, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

3. The use of damaged or unserviceable vehicles should be discontinued as soon as practical and replaced with a serviceable vehicle as soon as available following notice to the department head.

4. Use will be limited to official purposes and in the capacity for which it was designed. No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from a supervisor. In the event that a vehicle becomes damaged or unserviceable no employee shall attempt to repair the vehicle without prior approval of a supervisor.

E. VEHICLE COLLISION OR ACCIDENT

1. When a City owned vehicle is involved in a traffic collision, the involved employee shall promptly notify his or her supervisor.

2. A traffic collision report shall be filed with the agency having jurisdiction. In addition, the City of Sun Valley Traffic Collision Report must be completed.

F. TYPES OF VEHICLE ASSIGNMENTS – Vehicle assignments are established in the *City of Sun Valley Personnel Policy.*

1. Assigned Vehicle for Unrestricted Use: The City does not assign vehicles for unrestricted use.

2. Assigned Vehicle for the Employee's Restricted Use: A City vehicle may be assigned to an employee who needs to respond, at any time, to emergencies or safety needs. The employee may have 24-hour use of an assigned vehicle and may garage it at his or her residence overnight due to the duties of his or her position. Personal use of the City vehicle is prohibited except for meal or break stops taken in the course of employment or *de minimis* personal errands only while traveling between work and home in a manner that does not materially increase the number of miles a vehicle is driven. *De minimis* refers to small, trifling, and insignificant personal use that is incidental to business use.

3. Assigned Vehicle/Work Related Use Only: A City vehicle may be assigned to an employee to allow the employee to respond back to work for work related activities as required. Personal use of the City vehicle is prohibited except for meal or break stops taken in the course of employment or *de minimis* personal errands only while traveling between work and home in a manner that does not materially increase the number of miles a vehicle is driven. *De minimis* refers to small, trifling, and insignificant personal use that is incidental to business use. Vehicles may be garaged overnight at the employee's residence.

APPENDIX C - ELECTRONIC COMMUNICATION DEVICES & SYSTEMS USAGE POLICY

CITY OF SUN VALLEY PERSONNEL POLICY

ELECTRONIC COMMUNICATIONS DEVICES & SYSTEMS USEAGE POLICY

A. PURPOSE: The availability of electronic communication devices & systems within the work environment provides many opportunities for enhancement of productivity and effectiveness. These systems also entail the opportunity for rapid transfer and broad dissemination of sensitive material that can have damaging effects on the City of Sun Valley, its employees, and the public, if not managed properly. It is important, therefore, that the City of Sun Valley establish a policy which provides direction to City employees regarding the purchase, lease, license and use of electronic communication devices & systems.

B. ADMINISTRATION: The Mayor or designee shall be responsible for the implementation of the Electronic Communication System Usage Policy.

C. DEFINITIONS:

1. Electronic Communication Devices & Systems include, but are not limited to City-owned computers, cell phones, PDAs, hardware, tablet computers, software, webpage, electronic mail systems (email), voice mail systems, paging systems, electronic bulletin boards, Internet services, fax machines, mobile digital terminals (MDT), and any part of the City of Sun Valley leased or acquired network system(s) of any sort.
2. Computer - A programmable electronic device that can store, retrieve, and process data, including any computer issued or maintained by the City of Sun Valley, including but not limited to both laptop and desktop versions, or any computer which is attached to or a part of the City of Sun Valley computer network.
3. Hardware - The physical components of a computer, including the monitor, keyboard, central processing unit, floppy drives, CD-ROM drives, external storage media, and all peripheral accessories, including but not limited to, network connections, printers, scanners, speakers, printer cables and mouse.
4. License - To permit or authorize the use of.
5. Network System – The hardware and software which provides for the interconnection of City computers.
6. Programming - A sequence of coded instructions that can be inserted into a mechanism (such as a computer) to work out a series of instructions.

7. Shareware - Computer software that can be used and copied without charge. However, shareware is copyrighted and, if the copyright holder requests, a donation or fee must be paid if the software is used regularly.

8. Software - The entire set of programs, procedures and related documentation associated with a computer system/program.

D. PURCHASES, COPYRIGHT AND LICENSES

1. The purchase, lease, or license of all electronic communication system hardware and software must be approved by the Mayor or designee.

2. Copying of computer software owned by the City of Sun Valley shall be governed by the copyright agreement.

3. License agreements will be maintained by the Mayor or designee. The license agreement shall be the ultimate rule governing the use of the software. Any act permitted by this policy, but not permitted by the license agreement of the software program, shall be considered null and void.

4. Software registration must be completed for all software purchased by the City at the time of purchase and shall list the City of Sun Valley as the purchaser and list the Mayor or designee as the contact for inquiries as to the use of the product.

E. GENERAL REQUIREMENTS

1. City Electronic Communication Devices & Systems is to be used for City business purposes only.

   a. Cell phones and/or PDAs are provided to an employee when the employee's duties:

      1. Include a significant amount of work time out-of-the-office; or

      2. Require the employee be reached as needed at any time for the immediate or emergency needs of the City.

   b. The Mayor or designee shall approve which employee(s) may have a cell phone or PDA and the respective phone or data service plan, including the provider, terms, hours, coverage and rates.

   c. The cell phone number will be the cell number given out by the City to reach an employee when working out-of-the-office and the cell phone shall be listed on the City phone roster.

e. A City-owned cell phone may be used by the employee for “emergency only”, non-City calls. Any usage over an approved number of minutes for the cell phone shall be deducted automatically from the employee’s pay after taxes have been deducted.

f. The City shall not reimburse any employee for use of his or her personal cell phone for City business.

2. Incidental and occasional personal use of the Internet is allowed from time-to-time during scheduled breaks, including the lunch hour, to check for email on a personal, non-City account(s).

3. All messages or information composed, sent, stored, copied or received via electronic communication devices and systems are the property of the City. These messages and information are not private property of any employee, and no employee should have any expectations of privacy in such messages or information. The Mayor or designee have the right to access, close and/or disclose all messages sent via an electronic communication devices and/or systems or other information stored on an electronic communication device or system that is the property of the City. Employees, therefore, should treat electronic communications with the same degree of propriety and professionalism as official correspondence.

4. The Mayor or designee shall consult with the City’s IT provider to regulate the requirements for City password usage. All employees shall change, alter, or modify their passwords as required by the City’s IT provider. No employee shall disclose his or her password to any other employee or person.

5. Confidential electronic files must be professionally erased or storage devices containing these files removed from any computer or hardware device prior to the computer or hardware device being removed from the agency for servicing, repairs, or replacement.

6. The Mayor or designee must be notified immediately when --

   a. Sensitive information is or suspected of being lost or disclosed to unauthorized parties.

   b. Unauthorized use of the electronic communication devices & systems has taken place, or is suspected of taking place.

   c. Passwords are lost, stolen or are suspected of being lost, stolen, or disclosed.

   d. Any unusual system behavior such as missing files, frequent system crashes, misrouted messages, and the like appear because it may indicate a computer virus infection or similar security problem.

7. It is the intent of the City to provide the tools that every employee needs to successfully complete assignments; therefore no employee is allowed to use his or her personal computer, PDA, cell phone or other communication device for City business.

8. The Mayor or designee shall define the network server uses, organizational format, use of folder/file protection, storage and other aspects of network capabilities. Employees have the responsibility to use the network server effectively in meeting these directions.

9. Electronic communications are subject to the provisions of Resolution 2006-05 – Records Retention.

10. The use of electronic communication devices & systems shall be in keeping with applicable Federal, State, local, civil and criminal laws.

F. UNAUTHORIZED ACTIVITIES

1. No personally owned software applications or shareware software may be installed on a City computer, including, but not limited to, games, entertainment software, and screen savers unless written permission is given by the Mayor or designee and it is allowed by the licensing agreement of the software.

2. No employee may tamper with, change, delete, reprogram, copy protected codes, enter into areas of the program reserved for programming, insert additional programming, or rename any computer software program purchased, leased, or licensed for use by the agency, unless it is authorized by the licensing agreement. No employee shall perform any repairs, installations, modifications, removal, or relocation of any computer hardware, peripherals, and associated components without first obtaining authorization by the Mayor or designee.

3. Electronic transfer of files, software, or programs purchased by the City is not authorized unless it is allowed by the licensing agreement of the software product and approved by Mayor or designee.

4. Employees shall not use the email account or password assigned to another individual to send or receive messages.

5. The electronic communication system shall not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non job-related solicitations, or used for any personal commerce or purchases.

6. The electronic communication system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, or proprietary information. Failure to observe copyright or license agreements may result in disciplinary action by the City and/or legal action by the copyright owner.

7. No employee shall utilize or cause any City-owned computer to utilize an automatic log-on. Employees are prohibited from leaving a City computer unattended while logged on.

8. The encryption of files and the use of encryption programs are not permitted on any City computer without the prior authorization of the Mayor or designee.

9. No employee shall bypass or modify any installed security systems or menu interfaces without the expressed permission of the Mayor or designee.

10. No employee shall knowingly introduce any computer virus into any part of the electronic communication system operated by the City. Employees must use due care and caution to avoid inadvertently introducing computer viruses into any City computer by any means. Any material received which is suspect, e.g. multiple copies of email with the same subject line information received in rapid succession, should not be opened.

11. Viewing, downloading, communicating and/or transmitting material (for other than law enforcement purposes) that is known to involve the use of obscene language, images, jokes, sexually explicit materials or messages that disparage any person, group, or classification of individuals is strictly prohibited. Any employee who uses the City's equipment or network for these purposes will be subject to an immediate, severe disciplinary response.

12. Employees shall not use photographs or other material depicting City logos, vehicles, etc. on any personal or privately-owned home page. Personal/private home pages shall be clearly identifiable as personal pages.

13. Electronic communication devices & systems are for the exclusive and sole use of City employee for City business and shall not be used at any time by family members, friends or other persons not employed by the City.

APPENDIX D - FEDERAL MEDICAL LEAVE ACT (FMLA)

CITY OF SUN VALLEY PERSONNEL POLICY

FEDERAL MEDICAL LEAVE ACT (FMLA)

A. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

1. must have worked for the employer for at least 12 months;
2. must have worked at least 1,250 hours for the employer during the previous 12 months.

The employee must meet all eligibility requirements before FMLA benefits will be extended him/her.

If your employment situation does not meet all of the qualifications set forth above, the subsequent FMLA policy, which is required by law to be included in our policy, does not apply to employee.

B. Entitlements

The Family and Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the following reasons: 1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee; 2) care of an immediate family member (spouse, child, parent) who has a serious health condition, defined by the Department of Labor as: (1) any period of incapacity due to pregnancy and prenatal care (825.114(a)(2)(ii)); (2) a chronic serious health condition (such as asthma, diabetes, etc., (3) a permanent or long-term condition for which treatment may not be effective (such as Alzheimer's, strokes, terminal diseases; and (4) to receive multiple treatments (including recovery there from) either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (such as dialysis, chemotherapy, etc.); or 3) care of the employee's own serious health condition. It also requires that the employee's group health benefits be maintained during the leave. The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any FMLA leave.

If all eligibility requirements are met, the employee is covered under the FMLA. He or she may request up to 12 weeks of leave where the City of Sun Valley will continue the employee's benefits (employer portion only) during the leave period. If the employee does not return to work for reasons other than their own

continued serious health condition or that of an eligible family member, the City of Sun Valley may recover from the employee the premium(s) that were paid for the employee's medical coverage.

Total FMLA leave for employee spouses/parents who both work for the City of Sun Valley is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.

Examples where employees of the City of Sun Valley are entitled to leave under FMLA include:

1. To care for a child following a birth or placement of a child with the employee for adoption or foster care.
2. To care for a sick child, spouse or parent who has a "serious health condition."
3. If the employee himself or herself is unable to perform his or her own work responsibilities because of his or her own serious health condition.
4. Leave as provided for in the National Defense Authorization Act, see subsection (g).

C. Concurrent Use of Accrued Leave and Worker's Compensation Required

Employees are required to use any accrued paid vacation and sick leave (if applicable) concurrently with any FMLA leave. If paid leave accruals are less than 12 weeks, the employee may take the remainder of FMLA leave as unpaid leave. An employee will continue to accrue leave while utilizing their paid sick and vacation leave. He or she will cease to accrue vacation and sick leave during the unpaid portion of their leave. If the employee is on Worker's Compensation leave, such leave will also run concurrently with any FMLA leave.

D. Employee Obligations

An employee is required to give 30 days' advance notice or as much time as practical when the need for FMLA leave is foreseeable. The City of Sun Valley reserves the right to request medical certification supporting any leave, and may require second or third opinions (at City of Sun Valley expense). The City of Sun Valley may also require a doctor's fitness for duty report prior to your returning to work. Leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely that of the City of Sun Valley in compliance with the provisions of the Family and Medical Leave Act. Should a doctor not find the employee fit to return to duty, the employee will not be allowed to return to work.

When an employee is off work for FMLA leave, the employee will not be allowed to work for any other employer without prior approval from the Mayor. An employee who violates this rule will be subject to disciplinary proceedings up to and including termination from employment.

Contact the Finance Manager to discuss your rights and obligations for continuation of any current benefits you are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.

To request FMLA leave please contact the Mayor or designee, indicating the reason for requesting FMLA leave and the expected duration of leave. Note: Employee may be required to provide medical certification by your physician or medical practitioner indicating the diagnosis and probable duration of your medical condition or the medical condition of your family member.

E. Intermittent Leave Requests

FMLA leave may be taken intermittently or on a reduced leave schedule to allow the employee to care for a sick family member, or for an employee's own serious health condition with prior written approval from the

employee's supervisor or when "medically necessary." In the circumstance of birth or placement of a child for adoption or foster care, intermittent leave is only available by written approval of the City.

F. Employer's Rights and Obligations

The City of Sun Valley has the right to determine whether the employee is or is not an "eligible employee" under the Act. The City of Sun Valley has the right to place an employee on FMLA leave without the employee's consent should the City determine that the employee meets the eligibility requirements under the Act.

The City of Sun Valley will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the Family and Medical Leave Act. The only exception may be for individuals who, under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury".

The City of Sun Valley reserves the right to require periodic notices (determined by the City of Sun Valley) of you, or your family member's FMLA status and your intent to return to work.

G. The National Defense Authorization Act

On January 28, 2008, the National Defense Authorization Act amended the FMLA. This amendment provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member—a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty which renders that person unfit to perform his or her duties in the Armed Forces. The City of Sun Valley may require the request for this type of leave be supported by certification that the service member being cared for by the employee has a serious health condition.

The National Defense Authorization Act also provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. The City of Sun Valley may require the request for this type of leave be supported by certification that the service member has actually been called to active duty. The City of Sun Valley employees shall provide prior notice when the need for this type of leave is foreseeable.