



CITY OF SUN VALLEY  
REPORT TO THE CITY COUNCIL

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TO: Honorable Mayor and City Council

FROM:   
Susan E. Robertson, ICMA-CM  
City Administrator

SUBJECT: Personnel Policy – Proposed Amendments

DATE: March 1, 2013

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Based on the discussion and action at the Special City Council Meeting on February 25, 2013, the Personnel Policy has been amended to correct the typo identified by Council Member Nils Ribi on page 13, Section D., and add the City Administrator as a City Officer on page 2, Section II, A.2. There are additional items, such as the whistle blower policy for complaints that do not fall in the realm of discrimination or harassment, that are still being worked on by City staff and these will be brought back to the City Council when they are ready.

CITY OF SUN VALLEY  
RESOLUTION NO. 2013-06

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A RESOLUTION OF THE CITY OF SUN VALLEY AMENDING THE CITY OF SUN  
VALLEY PERSONEL POLICY

WHEREAS, the City Council believes its personnel policies should reflect the needs of the City and meet all applicable state and federal labor laws; and

WHEREAS, the City Council adopted an updated Personnel Policy on or about October 2, 2012 and amended it on February 7, 2013; and

WHEREAS, the City Council believes it is in the best interest of the City and its employees to make additional amendments to said Personnel Policy;

NOW, THEREFORE, BE IT RESOLVED THAT, the Council hereby AMENDS the City of Sun Valley Personnel Policy as set forth in Exhibit 1, attached hereto, with an effective date of March 8, 2013.

DATED THIS \_\_\_\_ DAY OF MARCH, 2013

\_\_\_\_\_  
Dewayne Briscoe, Mayor

Attest:

\_\_\_\_\_  
Hannah Stauts, City Clerk

# EXHIBIT 1

# CITY OF SUN VALLEY PERSONNEL POLICY EFFECTIVE OCTOBER 1, 2012

ADOPTED BY  
THE SUN VALLEY CITY COUNCIL  
BY  
Resolution 2012 - 05  
October 2, 2012

AMENDED BY  
THE SUN VALLEY CITY COUNCIL  
BY  
Resolution 2013 - 02  
February 7, 2013 and  
Resolution 2013 - 06

# 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,

## 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.

- 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

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

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.

#### 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. . 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 full-time employees and 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. 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

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, tools, and equipment purchased by the off-duty or paid on-call employees or by the volunteer association may be used.

#### J. FIRE DEPARTMENT UNIFORM POLICY

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.

### VI. EMPLOYEE CLASSIFICATION FOR POLICY PURPOSES AND COMPENSATION

- 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. Paid On-Call Firefighter

The City of Sun Valley Fire Department welcomes men and women interested in serving as paid on-call firefighters for the community. A Fire Department paid on-call firefighter is 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 firefighters receive State workers' compensation coverage and only those other benefits require by law. The Mayor or designee shall develop for City Council approval, a salary plan for Fire Department paid on-call employees.

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-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.

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.

- 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 1<sup>st</sup>, 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

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 1<sup>st</sup>.
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:

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.

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.

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 it was made erroneously.

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 it 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.

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: \_\_\_\_\_

#### 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.

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.

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.

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".