

Chapter 23--Personnel

23.010. Probationary period. Each employee receiving an appointment or a promotion to a position in the service of the City must serve a probationary period of three (3) months before his appointment or promotion shall be considered permanent. During the employee's three (3) month probationary period, the employee's work habits, abilities, attitude and promptness and other pertinent characteristics will be observed and evaluated by his supervisor, department head or other appropriate City officials. If the probationary employee fails to meet required standards of performance, he is to be dismissed, or if he is a promoted regular employee, he may be restored to the position from which he was promoted or to a comparable position. During the probationary period, the employee is not eligible for employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will be paid to probationary employees.

23.020. Same, discharge. If at any time during the probationary period, the supervisor, (department head, city manager or other designated official) determines that the services of a City employee have been unsatisfactory, the employee may be separated from his position without the right of appeal or a hearing. The department head may immediately suspend the employee and shall notify the employee in writing at least seven (7) calendar days before the effective date of separation of the reasons for the separation.

23.030. Same, extension. At the end of an employee's probationary period, if there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the probation period, the department head may recommend an extension, not to exceed sixty (60) days.

23.040. Same, termination of probationary period. At the end of each employee's three (3) month probationary period or extension granted under the authority of Section 23.030, the supervisor of the employee shall complete a probationary report and notify the Mayor that either (a) the employee has successfully completed his probationary period and is capable of performing the duties of the position satisfactorily, and is henceforth to be considered a regular employee with all rights and privileges due him; or (b) the employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from city government, or if promoted from another position returned to the previous or a similar position.

23.050. Appointment and promotion. Appointments and promotions to all classified positions shall be solely on the basis of merit, which shall be determined by evaluation of the applicant's:

1. Training, education, experience and physical fitness;

2. Oral interview; and
3. Whenever practical, an examination or demonstrations test.

23.060. Age. The minimum age for employment as a probationary employee shall be eighteen (18) years of age, unless the Mayor shall in writing waive the requirement. The minimum age for employment of seasonal employees shall be sixteen (16) years of age.

23.070. Residence. Employees are not required, but are urged, to reside within the City.

23.080. Relatives in the City service. Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law.

23.090. Political activities. City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.

23.100. Same, individual activities. No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his performance as a City employee. Employees are expected to exercise their right to vote in municipal elections, but shall not engage in, or participate in any other way in any municipal election.

23.110. Same, penalty. Failure to comply with the requirements of Sections 23.100 and 23.110 shall be grounds for immediate dismissal. Any person who attempts to coerce or does coerce any City employee to take part in activity prohibited by Sections 23.100 and 23.110 may be punished as provided in Chapter 13 of this Code.

23.120. Outside employment. No full time employee of the City shall accept outside employment, whether part-time, temporary or permanent, without prior written approval from the Mayor. Each change in outside employment shall require separate approval. Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service. Such approval, however, shall not be arbitrarily withheld. Employees may not engage in any private business or activity while on duty. No employee shall engage in or accept private

employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his official duties.

23.130. Conduct, work habits, attitude. It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

23.140. Discipline policy. It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

1. Employee's and Supervisor's Responsibilities:

a. It is the duty of every employee to attempt to correct any faults in his performance when called to his attention and to make every effort to avoid conflict with the City's rules and regulations.

b. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being (i) warning, (ii) demotion, (iii) suspension, and (iv) removal.

2. Grounds for action: The following are declared to be grounds for demotion, suspension, or removal of any permanent employee:

- a. Conviction of a felony or other crime involving moral turpitude.
- b. Acts of incompetence.
- c. Absence without leave.
- d. Acts of insubordination.
- e. Intentional failure or refusal to carry out instructions.
- f. Misappropriation, destruction, theft, or conversion of City property.
- g. Refusal or neglect to pay just debts. Maintenance of effort to pay debts

must be shown to clear employee of neglect charges.

h. Employee subsequently becomes physically or mentally unfit for the performance of his duties.

i. Acts of misconduct while on duty.

j. Willful disregard of orders.

k. Habitual tardiness and/or absenteeism.

l. Falsification of any information required by the City.

m. Failure to properly report accidents or personal injuries.

n. Neglect or carelessness resulting in damage to City property or equipment.

o. Repeated convictions during employment or misdemeanor and/or traffic charges.

p. Introduction, possession, or use on City property or in City equipment of intoxicating substances, or proceeding to or from work, or performing work for the City, under the influence of an intoxicating substance.

3. Employee Notice: A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such disciplinary action is taken and in any event not later than three (3) working days from date of the action. A copy of notice signed by the employee in the employee's file shall serve as prima facie evidence of delivery.

4. Probationary Employee: Any probationary employee may be suspended, reduced in pay or class, or removed at any time by the Mayor on the advice of the employee's supervisor. Probationary, temporary, seasonal, or part-time employees shall not have the right of appeal from such action.

5. Permanent Employees: All permanent employees holding positions in the service of the City may be suspended for a period of not more than thirty (30) working days, reduced in pay or class, or removed for just and reasonable cause by the Mayor. Permanent employees shall be dismissed only after having been given written notice of the contemplated action.

6. Evidence: Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as soon as it is apparent. Based on this philosophy, sufficient evidence should be available in the employee's personnel file to justify the action taken.

7. Right of Appeal: All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Board of Aldermen. The disciplinary action against the employee shall be stayed during the course of this appeal, unless the Board of Aldermen orders its imposition in writing giving their reasons therefore.

8. Investigation: The Board of Aldermen shall hear appeals submitted by any permanent employee in the City relative to any suspension, demotion, or dismissal and shall adopt a written statement of facts, findings, and conclusions which shall be final and conclusive.

9. Appeal Hearing Open to Public: The appeal hearing may be open to the public at the discretion of the board, subject to all requirements of law.

10. Informal Nature: The hearing shall be conducted in an informal nature and the board shall make every effort to avoid the appearance of conducting a trial in a court of law.

11. Scheduling of Appeal: No later than ten (10) working days after receipt of the written appeal, the Mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing the Mayor shall report his findings and recommendations to the Board of Aldermen.

12. If the Mayor shall have ordered that disciplinary action against any employee shall not be stayed during an appeal, then the provisions of Section 23.150(11) shall not apply, and the hearing shall be scheduled within forty-eight (48) hours of the Mayor's order imposing immediate disciplinary action. Should the Board of Aldermen decide that the disciplinary action not be imposed, then the City shall pay said employee the same as had he been employed in the service of the City during the time in which the Board of Aldermen's discipline order was in effect.

13. Right to Representation: The appellant shall have the right to appear and be heard in person or by counsel.

14. Appellant Fails to Appear: Appellant's failure to attend or notify the hearing officer of his inability to attend at the hearing will constitute just cause of dismissal of the appeal and imposition of the disciplinary action.

23.150 Grievance policy. The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the City to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.

1. An employee may present his grievance, or have an employee committee selected

by the employee present his grievance to his supervisor or department head.

2. All grievances shall be submitted in writing to the City Clerk who shall forward a copy thereof to the employee's supervisor for action.
3. If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance shall then be presented to the Mayor.
4. The Mayor shall convene a hearing within ten (10) days to consider the grievance. The employee, the supervisor, the department head and any other interested party shall have the right to be heard. All City employees shall be considered in the service of the City during the course of the grievance hearing, and each employee shall be paid at his regular hourly rate for that time spent in the hearing.
5. Following the hearing, the Mayor shall within ten (10) days take whatever action is necessary, including but not limited to a recommendation to change the personnel rules and regulations or the work practices of the City, a finding that the grievance is unjustified, or any other appropriate recommendation.
6. No employee shall be disciplined or discriminated against in any way because of his proper use of the grievance procedure.
7. To the extent the provisions of this section conflict with Section 23.150 of this Code, the requirements of Section 23.150 shall apply. The procedure outlined in Section 23.150 shall be used if the alleged grievance is a disciplinary matter, although the Mayor may treat a hearing under this section as a hearing for the purposes of Section 23.150(7) provided that all employee rights have been respected.

23.160. Overtime. The standard work week for employees other than police officers or department heads shall be five (5) days or a total of forty (40) hours per week.

1. The department head or supervisor shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established work day and work week. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities.
2. When regular permanent employees are required to work extra or prolonged shifts, the employee shall be paid overtime pay, which shall be one and one-half times the employee's regular pay scale, or the City may at its option, give compensatory time off within the same work week.

23.170. Holidays. All regular employees of the City shall receive normal compensation for the nine (9) legal holidays listed below and any other days or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the board. All regular part time employees shall receive

compensation in proportion to the average number of hours normally scheduled to work. Probationary employees shall be considered for purposes of this section to be regular employees. Legal holidays to be observed are:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday of September
Veteran's Day	November 11
Thanksgiving Day	Last Thursday of November
Friday after Thanksgiving	Last Friday of November
Christmas Day	December 25

It shall be the policy of the City to insure that all regular employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by employees working a forty (40) hour week, Monday through Friday. For this group when a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. For regular employees whose work week is other than Monday through Friday, the department head shall designate the work day that shall be observed.

1. An employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.
2. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his regular pay rate in lieu of the holiday missed, or at the option of the City, he may be compensated at the City's approved overtime rate for his service on the regularly scheduled holiday.
3. All regular employees who have been employed by the City for at least one (1) year will, in addition to the nine (9) holidays listed above, be entitled to normal compensation, as calculated above, for two (2) additional holidays, his or her birthday, and a personal day.

(Amended by Ordinance 836, Passed and Effective 1/11/99)

23.180. Vacation. Every employee in the City service holding a permanent status position shall be allowed annual vacation leave with pay in such amount, based on length of service, as follows:

<u>Length of Service</u>	<u>Vacation</u>
0-3 Months	0 Days
3 Months	1 Day
6 Months	3 Days

9 Months	4 Days
1 Year	10 Days
5 Years	11 Days
7 Years	12 Days
9 Years	13 Days
11 Years	14 Days
13 Years	15 Days
15 Years	16 Days
17 Years	17 Days
19 Years	18 Days
20 Years	20 Days

1. Vacation leave shall be taken during the year following its accumulation.
2. Vacation leave credit may not be carried from one year to the next.
3. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.
4. Records of vacation leave allowance and use shall be kept by the City Clerk. Vacation leave scheduled shall be in regard to the seniority of employees, to accord with operating requirements, and, insofar as possible, with the requests of the employees.
5. When a regularly scheduled holiday occurs during the period of an employee's vacation an additional day of vacation shall be granted.

23.190. Sick leave. All full time City employees shall earn sick leave with full pay in such amount, based on length of service, as follows:

<u>Length of Service</u>	<u>Sick Leave</u>
0-3 Months	0 Days
3 Months	1 Day
6 Months	3 Days
9 Months	4 Days
1 Year	10 Days
5 Years	11 Days
7 Years	12 Days
9 Years	13 Days
11 Years	14 Days
13 Years	15 Days
15 Years	16 Days
17 Years	17 Days
19 Years	18 Days
20 Years	20 Days

1. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the six (6) month probationary period except with the written permission of the Mayor. Sick leave may never be taken in advance of earning the time.
2. Sick leave credit may not be carried from one year to the next.
3. An employee may be eligible for sick leave for reasons of personal illness or physical incapacity.
4. An employee who is unable to report for work because of one of the above reasons shall report for his absence to his supervisor within two (2) hours before the time he is expected to report for work. Sick leave with pay shall not be granted unless such report has been timely made. Documentation may be required of the employee before any sick leave will be granted or payment made.
5. An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.
6. Abuse of the sick leave privilege can result in dismissal.

23.200. Maternity and paternity leave. On recommendation of an employee's supervisor or department head, and upon the written order of the Mayor, an employee may be granted maternity or paternity leave as defined in the Family Medical Leave Act of 1993, without pay for a period not to exceed twelve (12) administrative work weeks during any twelve (12) month period.

23.210. Military leave.

1. Employees may receive a leave of absence not to exceed ten (10) working days annually, for participation in annual training in the National Guard or Reserve Armed Forces. Requests for such leave must be accompanied by a copy of official orders requiring such training. Compensation for this period of military leave shall be limited to the amount by which the normal City pay exceeds the military pay received. A copy of the military pay voucher shall be submitted prior to authorization for payment to the employee for the period of leave. Such military training leaves shall not be deducted from annual leave.

2. Any permanent employee who is drafted into the military service shall, upon termination of his active service, be entitled to return to the City service at a level equivalent to the position held on his departure. This leave of absence shall not exceed the period of time necessary to complete the period of active duty that he has been involuntarily ordered to perform.

23.220. Funeral leave. An employee may be granted three (3) working days leave

as needed in the event of the death of his spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, grandmother or grandfather. An employee shall be compensated for the funeral leave.

23.230. Jury Leave. An employee may be granted leave with pay when required to be absent from work for jury duty or as a trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal duty pay.

23.240. Exceptions to this chapter. The provisions of this chapter shall not apply to uniformed employees, to the extent that the personnel policies of those departments conflict with this chapter. Chapter 70, entitled "Fire Department" and Chapter 71 entitled "Police Department" shall apply to those employees of those departments.

24.250. Alcohol and controlled substance testing policy. (Added by Ordinance 938, Passed and Effective 9/15/09)

1. Purpose. The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risk posed from misuse of alcohol and controlled substances; and to comply with all applicable Federal and State regulations governing workplace alcohol and controlled substance abuse programs as mandated. All employees either hired or promoted after the effective date of this Policy will be required to comply with this policy. All employees of the City in safety-sensitive positions or positions for which a commercial driver's license is required, will be required to comply with this Policy regardless of the date of hire. Violation of this policy shall be cause for discipline, including termination.

2. Alcohol and controlled substance prohibition. An employee is prohibited from the operation of a commercial vehicle and/or from engaging in any work-related functions for the following alcohol-related conduct.

- a. While consuming alcohol.
- b. While having a blood concentration of 0.02 or greater.
- c. Within four (4) hours of consuming alcohol.
- d. After refusing to submit to an alcohol test.
- e. From consuming alcohol within eight (8) hours after an accident as specified in the Policy.
- f. An employee is prohibited from unauthorized possession of alcohol or controlled substances on duty.
- g. Any employee convicted of illegal conduct relating to controlled substances or alcohol who fails to report such conviction to the Mayor shall be subject to

immediate termination from service.

- h. Any employee whose job performance requires the possession of a valid CDL and who loses his CDL for violation of or as a consequence of law shall be subject to discipline, including termination.
- i. Any employee who is using a prescribed or authorized controlled substance or other substance of any kind, the side effects of which may prohibit or impair the employee's performance shall provide written notice to the Mayor of such use.
- j. Failure to report shall be cause for disciplinary action up and to termination.

3. Controlled substance and alcohol testing provisions.

- a. Pre-employment testing. Pre-employment urine drug testing shall be required of all applicants for all positions as a condition of the application procedure. Receipt of satisfactory test results is required prior to commencement of employment.
- b. Reasonable suspicion testing. Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or blood testing, whether are objective or observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that an employee has violated this Policy. Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation that in any case no later than eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.
- c. Random testing. Random testing shall be conducted on all persons covered by this Policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year, using an established, scientifically-based selection method and in accordance with applicable Federal law and regulations.
- d. Post accident testing. Post accident testing shall be required of employees after a vehicular accident in which a fatality has occurred or when a traffic citation is issued after an accident, or testing may be required when an injury to a person requires transport to a medical treatment facility or disabling damage to one or more vehicles as a result of the accident. Testing shall include both breath alcohol and urine drug testing of the employee.
- e. Return to work testing. Urine drug and alcohol testing for all safety-sensitive employees cover by this Policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. To return to work, the employee must test negative and be evaluated and released to return

to work.

4. Testing controls. Alcohol testing control shall be done pursuant to National Highway administration procedures. Controlled substance testing shall be performed in accordance with U. S. Department of Health and Human Services' regulations".