



## **EMPLOYEE HANDBOOK**

*Updated: March 21, 2024*

## WELCOME

Here at the City of Marion, we strive to **reach higher** in everything we do. Providing exceptional service to our community is central to who we are. We act with integrity, are accountable to the community and to each other, and foster a collaborative work environment.

This Employee Handbook outlines our policies, procedures and expectations. Working in alignment with this handbook is critical to the success of our team. We value each of our employees, and we hope you find your time here both rewarding and satisfying.



*“Communication, collaboration, customer service and community engagement are central to what we do as public servants. Welcome to Team Marion.”*

**Ryan Waller, City Manager**



*“Marion is a place where people work smarter, set lofty goals, and strive to achieve the very best for their families and their community. Here we reach higher!”*

**Nick AbouAssaly, Mayor**

## About Marion

Marion (population 41,535) is one of the Midwest’s fastest-growing cities and one of the most dynamic and developing cities in Iowa. It offers the comfort and feel of a smaller community with all the opportunities of the Cedar Rapids/Iowa City metropolitan area.

Marion promotes itself as the best place in Iowa to raise a family and grow a business. It starts with strong beginnings at some of the state’s best schools and continues with dozens of family-focused events, amazing recreational facilities, a vibrant and culturally rich downtown and beautifully designed neighborhoods. Marion’s highly educated and skilled workforce enjoys nationally recognized healthcare, school systems, entertainment and business opportunities.

Marion received the All-Star Community Award from the Iowa League of Cities for projects like the Klopfenstein Amphitheater for the Performing Arts (2017), the Uptown Artway (2018), the Prospect Meadows Sports Complex (2020) and the Marion YMCA & Community Rec Center (2021). The city is consistently named among WalletHub’s Best Small Cities in America in addition to its designation as an Iowa Great Place and one of the safest cities in Iowa.

## Equity Statement

Diversity, equity and inclusion are principles that bind us together to create a community where everyone belongs. The City of Marion is fully dedicated to addressing systems of inequity while building an accessible community where people of all cultures and identities can thrive. The City expects that its employees embrace this vision of inclusion and will strongly encourage its residents and community partners to do the same. By fulfilling this commitment, the City of Marion envisions a community that is inclusive and preserves the dignity of all.

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## Section 1 – Employment

### Section 1.01 – Scope of Employee Handbook

It is the policy of the City of Marion (“City”) that this Employee Handbook shall apply to all City employees, including bargaining unit and non-bargaining unit employees, including full-time, part-time, seasonal, and temporary employees, exempt and non-exempt employees, and shall also include the City Manager and department heads. The handbook shall also apply to elected and appointed officials as applicable.

If any part of these policies conflicts with a valid collective bargaining agreement or an employment agreement or contract between an employee and the City, the collective bargaining agreement, contract, or agreement shall take precedence, but the remaining portions of the employee handbook shall continue to apply to the affected employee(s).

In case of conflict with any other federal, state, or local law, the law shall supersede the personnel policies of the City.

Every City employee, including paid on-call and volunteers, to whom these policies apply shall be provided with a copy of this Employee Handbook. It is the employee’s responsibility to read and familiarize themselves with all of these policies, rules and regulations. Should employees have any questions, they should contact their supervisor or the Human Resources Department. Employees will be asked to sign an acknowledgment form indicating they have been shown how to access the handbook online and are responsible for understanding and adhering to all policies.

This employee handbook shall not be construed as and does not constitute or imply any contract guaranteeing employment for any specific period of time. Your employment relationship with the City is at-will and entered into voluntarily. Although we sincerely hope your employment relationship with the City will be long-term, at-will employment relationships may be terminated by you or the City at any time, for any reason, with or without cause.

The City Manager (or, in the case of the City Manager, the Mayor) may waive the provisions of these personnel policies if special circumstances so warrant.

### Section 1.02 – General Employment Definitions

**CITY:** City of Marion, Iowa.

**COMPENSATION:** The salary, wage, allowances and other forms of valuable consideration earned by or paid to any employees by reason of service in any position but does not include allowances authorized and incurred incident to employment.

**LEAVE:** An approved absence from work.

**OVERTIME:** Approved time worked by an employee in excess of 40 hours for the week.

**SUSPENSION:** The temporary removal of an employee from the workplace for disciplinary purposes or as a part of an ongoing investigation.

### Section 1.03 – Americans with Disabilities Act

It is the policy of the City of Marion to comply with the Americans with Disabilities Act Amendments Act.

The Americans with Disabilities Act Amendments Act (“ADAAA”) prohibits discrimination against qualified individuals on the basis of disability. The City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of that person’s physical or mental disability or a perceived disability.

In compliance with the ADAAA and the Iowa Civil Rights Act (“ICRA”), the City will consider reasonable accommodations that do not pose undue hardship to the City to enable qualified applicants or employees with disabilities to perform the essential functions of a position. The City employee or applicant claiming to have a disability and requesting an accommodation for that disability shall provide:

- 1) Documentation from their healthcare provider identifying the claimed disability and the claimed disability’s impact on the employee’s essential job functions (as defined by the employee’s current job description).
- 2) A written statement of the means of accommodation that would enable the City employee or applicant to perform the essential functions of the job.

The City and the employee or applicant shall meet to discuss the request and to engage in an interactive process regarding possible reasonable accommodations. If the employee or applicant rejects any alternative reasonable accommodation proposed by the City, they shall do so in writing and state the reason for any such rejection.

Please contact Human Resources with any questions or accommodation requests relative to this policy.

### Section 1.04 – Equal Employment Opportunity

No recruitment, hiring, training, transfers, promotions, benefits, discipline, termination of employment or any other terms and conditions of employment shall be affected or influenced in any manner by consideration of race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability (where reasonable accommodation can be made), genetic information, or any other characteristics protected by local, state, or federal law, including military duty or veteran status (“protected class status”).

In any examination, employment form or other hiring procedures, questions and requests from the City shall be made in a manner that does not elicit information from a job applicant concerning their race, color, national origin, sex, political beliefs, religious affiliations, age, marital status, applicant's children, arrest record, military discharge, membership in organizations or clubs, applicant's ownership or rental of a home, spouse's employment, other persons in applicant's household, garnished or attached wages or birth name.

All City employees and applicants will receive fair treatment in all aspects of their application and/or employment with the City and will be treated with proper regard for their privacy and constitutional rights.

## Section 1.05 – Recruitment Policy

It is the City's policy that employee recruitment and selection, including for internal transfers and promotions, shall be carried out in conformance with this policy and in accordance with Equal Employment Opportunity (EEO) regulations. The City shall carry on recruitment and selection programs as may be necessary to secure the most qualified individuals at all levels of service. All recruitment and selection programs shall comply with local, state and federal laws, including appointment, Veterans' preference, and civil service laws. Union contracts may apply to recruitment, selection, transfer and promotion programs and shall be followed where required.

### **Applications**

Iowa law requires that all applicants must fill out an application for employment. Applicants shall apply online via [www.cityofmarion.org/employment](http://www.cityofmarion.org/employment) in accordance with the process requirements. Applicants requiring reasonable accommodation(s) may contact the Human Resources Department for assistance. Paper applications are available upon request. Applicants will be asked to provide information regarding their background, training and experience, including military experience, residence, and other information, including references, deemed relevant to the essential functions of the job by the City. Written statements or documentation such as resumes, transcripts, or letters of recommendation may be attached or included, but the City shall not be responsible for the return of any attachments.

The City of Marion relies upon the accuracy of information contained in the employment application as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentation, falsification or material omission in any of the information or data may result in the exclusion of the individual from further consideration for employment with the City or, if the person has been hired, may result in termination of employment.

As the City deems necessary, the employment application process may include reference checks with previous employers or other relevant background information the City would require in the determination of the applicant's employment suitability. If deemed necessary, the City will perform reference checks for all applicants in consideration.

Applicants for a position requiring a license and/or certification must present valid proof of such on the assigned starting date. This includes persons operating a City vehicle or equipment and positions requiring special certification by an agency of the state.

The Immigration Reform and Control Act of 1986 requires the City to verify and document both the identity and employment eligibility of all persons hired after November 6, 1986. Before commencing work, employees (or re-hired employees who have not been employed by the City for three years) shall complete an I-9 form and attest they are eligible for employment. The City shall examine two documents presented by employees or re-hired employees establishing identity and employment eligibility. Any I-9 paperwork that is false or fraudulent in any manner will result in the revocation of a job offer, or if the applicant has been hired, they will be subject to immediate termination.

### **Recruitment and Selection**

When a position becomes available, department heads shall review the job description with Human Resources to ensure accuracy in job duties and responsibilities as well as required knowledge, skills and abilities. Human resources will then create a job posting. The posting shall include, at a minimum, the job title, a brief job description, minimum applicant qualifications and pay band of the vacant position. All

positions will be announced internally and may be posted externally simultaneously for a minimum of five days.

Applicants who are Veterans and meet the requirements of the Iowa Veterans Preference Law shall receive preference in appointment and employment over other applicants when other qualifications are equal.

**Civil Service**

Police officers and firefighters are covered under Iowa’s civil service laws, Iowa Code Chapter 400.

Employees are covered under Civil Service if they meet the requirements in Iowa Code Chapter 400.

Applicable hiring managers must contact Human Resources and the Clerk of the Civil Service Commission when there is a need to hold a Civil Service examination.

Hiring and testing schedules shall be approved by the Civil Service Commission. Commission meetings are public meetings held the first Tuesday of each month.

Announcements for all entry-level civil service positions, police chief and fire chief will be posted on the City website. Announcements for promotional civil service positions, with the exception of the police chief and fire chief, will be posted internally at City Hall and the applicable department.

The hiring manager must work with the clerk of the Civil Service Commission to secure an appropriate test and test site, as well as the person with expertise hired to prepare and administer the exam and any equipment or supplies needed for the examination.

All civil service examinations will result in a certified list, which is approved by the Civil Service Commission and filed with the City Council unless the examination produced no qualified individuals. Under those circumstances, the Civil Service Commission will start a new testing process.

Once a certified list is approved, Civil Service Commission duties are complete. The hiring manager may hire anyone from the list, given the list is not expired.

[Section 1.06 – Background Check Policy](#)

Background checks will be conducted by the City based on federal or state legal requirements and/or position requirements. Background checks may include but are not limited to: post-job-offer medical exam; post-job-offer drug test; post-offer driving record abstract; post-job-offer criminal background check; post-job-offer sex offender registry check; post-job-offer credit check, post-job-offer social security verification, verification of employment and/or professional references. If a background check is required for employment, the requirements will be listed on the job posting or as a condition of employment on the job description. Public Safety departments will run their own background checks per their department policy and in accordance with state and federal law.

The City of Marion does not have a policy of excluding all prospective employees with prior criminal histories, convictions, or incarcerations. Decisions regarding each prospective employee will be made on an individual basis. Upon receiving confirmation that a prospective employee has been convicted of a crime or incarcerated, the City will consider several factors in determining whether the history precludes the prospective employee’s employment with the City. These factors include:

- 1) The length of time since the crime/conviction or sentence was completed.



- 2) The nature of the crime/conviction.
- 3) The prospective employee's age at the time of the crime/conviction.
- 4) The number of crimes/convictions (e.g., habitual offenders).
- 5) How closely the crime/conviction relates to the prospective employee's anticipated job duties.
- 6) The prospective employee's rehabilitative efforts since the crime/conviction.
- 7) The prospective employee's record of performance since the crime/conviction.
- 8) Any other mitigating factors identified or explained by the prospective employee.

If the City discovers a potential issue with the applicant's background and the offer is being reconsidered based on the background report, the prospective employee will have the opportunity to explain their criminal history and why it should not disqualify them from employment. The City will review all prospective employees' criminal convictions and incarceration histories closely to evaluate the conviction's and/or incarceration's relatedness to a prospective employee's actual job position. Any disqualifications will be job-related and consistent with business necessity.

The City will keep all information obtained about a prospective employee's criminal history, including convictions and incarcerations, confidential and will only use the information in the hiring process.

### Section 1.07 – Residency Requirements

It is the City's policy to allow its employees to live wherever they choose in the State of Iowa within a 70-mile radius of City limits while assuring that on-call personnel are readily available for duty within the time period set by their respective department heads. Exemptions will be determined on a case-by-case basis by the City Manager or their designee (in the case of the City Manager, exemptions will be determined by the City Council). An employee's residency must comply with City ordinances (21-12, Chapter 5, Subsection 5.13).

### Section 1.08 – Employment Overview

#### **Employment Classifications**

**Introductory Employees:** All employees are considered introductory employees during their first six months of employment. Employees are also considered introductory employees during their first six months of employment after transferring to a new position in the City.

**Regular Full-Time Employee:** An individual employed to work full workweeks of 30 or more hours and who receives the City's benefits package as set forth by City Council.

**Regular Part-Time Employee:** An employee who works twenty-nine or fewer hours per week on a regular schedule and does not receive the City's benefits package as set forth by City Council.

**Seasonal Full-Time Employee:** An individual hired for a specific job for six months or less and works thirty or more hours and does not receive City benefits unless such benefits are required to be provided by law.

**Seasonal Part-Time:** An individual hired for a specific job for six months or less and works twenty-nine or fewer hours and does not receive City benefits unless such benefits are required to be provided by law.

**Temporary Employee:** A person who is hired for a short period of time, typically defined, and not to exceed one year. Temporary employees do not receive City benefits.

### **Employment of Minors**

The minimum age for employment at the City is as follows:

- Anyone under the age of 14 will be required to provide an Iowa Child Labor Permit.
- No person under 18 years of age will be employed within a full-time job classification.
- No person under 16 years of age will be employed, full-time or part-time, in any position that may be hazardous in nature, including the operation of motorized vehicles or equipment on City property or for City business purposes.
- No person under 14 years of age will be employed full-time or part-time in any position with job functions that violate Iowa Code Chapter 92's regulations for minor employees (individuals under the age of 18).

## **Section 1.09 – Employee Separations**

The policy of the City of Marion is that all employees serve on an “at will” basis, which means that either the employee or employer may terminate the employment relationship at any time and for any reason.

Termination is the voluntary or involuntary separation of an employee from the service of the City, including death, rejection, discharge, layoff, resignation or retirement. The termination date will be the last working day of the employee, unless otherwise determined by the City Manager. Retirement is the separation of an employee from the service of the City who is eligible for and receives benefits from a recognized retirement system.

If an employee decides to resign from the City of Marion, it is requested that the employee provide written notice to their supervisor and the Human Resources Department at least two weeks prior to the termination date. Accrued vacation time may not be used to satisfy the two-week minimum resignation notice unless waived under circumstances approved by the City Manager.

The employee may use unused vacation time to extend the termination date of the employee beyond their last working day by two weeks maximum.

In most cases, HR will conduct an exit meeting on or before the last day of employment. The purpose of the meeting is to collect all company property (if not collected by the department), discuss the employment experience, and clarify pay and benefits items, such as receipt of last paycheck, amount of unused accrued paid leave, COBRA, or continuation of benefits, etc.

### **Payouts**

Non-bargaining, full-time employees who provide a minimum of two weeks notice will be paid out any unused vacation time, not to exceed the equivalent of two years of their respective accrual rate (e.g., 90 hours per year accrual is 180 hours max payout; 120 hours per year accrual is 240 hours max payout).

In addition, non-exempt employees' payout will include all compensatory time and personal time. Exempt employees' payout will include personal time and compensatory time pursuant to Personnel Policy Section 3.03.

The payout procedures for public safety employees will follow their collective bargaining agreements and/or internal policies as applicable.

### Section 1.10 – Nepotism Policy

The City prohibits nepotism in the hiring, promotion, demotion, termination or other personnel actions pertaining to City employees and to avoid the appearance of nepotism in personnel actions. For the purposes of this policy, the term “relative” shall include the following relationships established by blood, marriage, or legal action: spouse, mother, father, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepsister, stepbrother, aunt, uncle, nephew, niece, grandparent, grandson, granddaughter, or cousin.

The City may employ family relatives under the following circumstances only:

- 1) They may not create a supervisor/subordinate relationship with a family member.
- 2) They may not supervise or evaluate a family member.
- 3) The relationship will not create an adverse impact on work productivity or performance.
- 4) The relationship may not create an actual conflict of interest pursuant to Iowa law.
- 5) They may not audit or review in any manner the individual’s work.
- 6) They may not be employed if a member of the employee’s immediate family (spouse, children, parents, grandparents, grandchildren, brothers, sisters, stepfamily members, in-law family members) serves on the agency’s board or any committee or council that has authority to review or order personnel actions or wage and salary adjustments that could affect their job.

A department may hire a temporary or seasonal employee who has a relative as defined by this policy currently employed in the same department, provided there is no supervisory relationship involved.

### Section 1.11 – Working Hours Policy

Employees shall be present and working during the work hours established for their department and position. The City expects employees to be conscientious about attendance and punctuality at work. An employee is a part of a team, and getting the work done depends on everyone being in the right place at the right time. Regular, reliable attendance is an essential function of every City job. All employees shall make all reasonable efforts to inform their supervisor of leaving work if an unexpected event were to arise where the employee must leave suddenly.

Work hours for each department, including meal and rest periods, shall be set by the department head with consideration given to the nature of department business. Work schedules may differ by department. The immediate supervisor will inform an employee of their work schedule. Employees who have questions about the work hours expectations in their department should contact their immediate supervisor or department head. Employees shall be ready to begin their assigned duties at the designated time.

Attendance and punctuality are important factors in determining an employee’s eligibility for transfer, promotion and wage/salary increases. Unexcused or excessive absenteeism not only affects overall City operations but puts an additional burden on the employee’s coworkers to perform the work for which the employee is responsible.

If an employee cannot avoid being late to work or will be unable to work as scheduled, the employee will notify their immediate supervisor before their workday begins, if possible, but no later than 30 minutes prior to their scheduled starting time. Employee should give their best estimate of when they will be able to be at work.

An unexcused absence occurs when (1) an employee does not notify their supervisor within 30 minutes or (2) an employee leaves the workplace for any reason without prior authorization and/or notification. The employee's immediate supervisor will document all unexcused absences.

Unreported absences will be treated as time off without pay and considered as being non-compliant with this policy. In the event of an unexcused absence, disciplinary action, up to and including termination, may result. **If the employee is absent from work for three consecutive days, and they do not notify their supervisor during this period, they will be considered to have voluntarily resigned.**

An employee will be considered late when arriving at work after the start of the scheduled workday or when returning to work after the scheduled ending time for a meal break without an acceptable excuse or advance authorization. An hourly employee will not be paid for the time elapsed between the scheduled starting time and the employee's time of arrival unless authorized in advance. Repeated or patterns of excessive lateness will result in disciplinary action, up to and including termination of employment.

All non-clerical employees shall be granted a personal clean-up period prior to the end of each work shift as needed. Generally, approximately five (5) minutes shall be sufficient for clean-up time, but employee may require more time based on the employee's assignments and activities that day. The City shall make the required facilities available.

**Volunteer Firefighters:** Full-time employees who are also volunteer firefighters for the City of Marion in addition to their regular employment are excused from being present at their regular assignment when responding to a fire call. Said employees shall make all reasonable efforts to inform their supervisor of their leaving work to respond to a fire call and shall return to their regular assignment upon leaving the fire call if their regular assignment has not ended for that day. Said employees will receive their regular pay for the hours off work or the on-call compensation for a volunteer firefighter, whichever is larger. Each department shall establish "critical work," which will require employees, when assigned to such work, to obtain permission from their supervisor prior to leaving work to respond to a fire call. Employees who are volunteer firefighters for cities other than Marion must request permission from their supervisor prior to leaving and must use paid leave or leave without pay.

### Section 1.12 – AFSCME Union

This policy applies to employees who are a part of the Local 231 AFSCME Union.

#### **Union Business**

Employees elected to any Union office or selected by the Union to do work which takes them from their employment with the City, shall be granted a leave of absence. The leave of absence shall not exceed two years. Members of the Union selected by the Union to participate in any other Union activity shall be granted a leave of absence at the request of the Union. A leave of absence for such Union activity will not exceed one month and will normally not involve more than one employee. If more than one employee is selected for Union participation, each additional leave will also be evaluated on an individual basis with the determining factor being service capabilities within the department. The leave can be renewed or extended for a similar period of time upon the request of the Union and the approval of the City.

**Union Bulletin Boards**

The City agrees to furnish and maintain suitable bulletin boards in convenient places within each department. The Union may use these bulletin boards for timely posting of notices and bulletins. The Union shall limit its posting of notices and bulletins to such bulletin boards.

**Union Activities on City's Time and Premises**

The City agrees that during working hours, on the City's premises and without loss of pay, provided there is no interference with or interruption of work, stewards shall be allowed to: collect Union dues, initiation fees and assessments (if all these funds are not collected through payroll deductions); post Union notices; distribute Union literature; solicit Union membership during other employee's non-working time; transmit communications authorized by the local Union or its officers or other Union representatives concerning the enforcement of any provisions of this policy. The City shall solely determine whether an interference has occurred.

**Visits by Union Representatives**

The City agrees that accredited representatives, not to exceed two at any one time, of the American Federation of State, County and Municipal Employees, whether or not local Union representatives, shall have full and free access to the premises of the City at any time during working hours to conduct Union business, provided reasonable notice is given to the City of the pending visit. It is understood that there shall be no interruption or interference with the City's operations and the visiting representative(s) shall adhere to all City safety and security procedures.

**Informing Employees of Work Rules**

The City agrees to furnish each employee in the bargaining unit with a written or electronic copy of all written work rules before they become effective. New employees shall be provided with a written or electronic copy of the rules at the time of hire.

## Section 2 – General

### Section 2.01 – Personnel Files Policy

Personnel files contain all information relevant to the employment history of each City employee.

The Human Resources Department shall maintain personnel records and related personnel administration functions. Questions regarding insurance, wages and interpretation of policies may be directed to the Human Resources department. If an employee has a change in any of the items listed below, the employee should notify their supervisor as soon as possible. It is employee's responsibility to maintain the accuracy of this information:

- 1) Legal name
- 2) Home address
- 3) Home telephone number
- 4) Person to call in case of emergency
- 5) Number of dependents
- 6) Marital status
- 7) Change of beneficiary
- 8) Driving record or status of driver's license (if employee operates any City vehicles or receives any allowance)
- 9) Military or draft status
- 10) Exemptions on employee's W-4 tax form (state and federal)
- 11) Training certificates
- 12) Professional license(s)

Upon experiencing a family-status change, employees shall notify Human Resources within 30 days for benefit modifications, if necessary.

#### **Personnel File Contents**

The following documents will be maintained in each employee's personnel file in the Human Resources Department, for example:

- 1) Employment application
- 2) Resume
- 3) W-4 (for state and federal tax withholding)
- 4) Iowa Centralized Employment Registry (CER) form if hired after January 1, 1994
- 5) Copy of valid driver's license and/or other identification containing a recent picture
- 6) Accident reports (if available)
- 7) Status change forms (if applicable)
- 8) Emergency contact information
- 9) Employee performance evaluations
- 10) Documentation of disciplinary actions
- 11) Information release authorization from employee (if applicable)
- 12) Copies of letters of commendation or praise
- 13) Employee handbook acknowledgment form
- 14) Other documents relating to the employee's work

## City of Marion Employee Handbook

The City Manager and Human Resources Department have access to all employee personnel files; upon request, supervisors may obtain information on a “need to know” basis.

Individual employees have access to their own personnel files only. If an employee wishes to review information contained in their personnel file, they should notify Human Resources.

Any time a request to inspect a personnel file is made, the following list of records are exempt from inspection: trial documents, succession planning documents and employment references.

A City representative will be present during the examination of an employee’s personnel file.

An employee may not remove any item from the employee’s file but may request that copies be made of specific documents. Arrangements must be made with Human Resources for copies during normal business hours. Employees may be charged the City’s regular fee for copies. If an employee disputes the accuracy of a document in their personnel file, the employee may provide a written statement to be included in the personnel file. This statement will be attached to the contested document and retained in the file.

Information in the personnel file will remain confidential in all other cases unless release is authorized in writing by the employee or release is required by law. Copies of documents in employee personnel files may be made available to attorneys and/or federal/state agencies only if a properly executed request to review the files is received by Human Resources. Only the information specifically requested will be made available.

### **External Disclosure**

External disclosures from employee records are extremely limited. Only human resources, City Manager, department heads or the payroll manager are authorized to disclose information to prospective employers or anyone seeking current or prior employment information.

The City’s designee will inform prospective employers calling for a reference that the City provides only the dates of employment and positions held.

If an employee signs an authorization in writing for the release of their personnel file, the City will comply with the release. Similarly, the City will comply with any legally valid subpoenas.

The City will also comply with open records requests under Iowa law. For example, an employee’s disciplinary records may be a public record pursuant to Iowa Code Sections 22.7(11) and 22.15.

The City will release any information relating to the results of federal or state-required drug tests in accordance with applicable laws.

### **Medical Records**

All employee medical records, if any, will be kept in a separate confidential file within Human Resources. The City maintains this information in the strictest confidence and may use or disclose medical information about an employee only as provided by law. Medically related information may include, but is not limited to, results of physical examinations, drug and alcohol screening tests, workers’ compensation injury reports and other related medical information.

## Section 2.02 – Uniform and Dress Code Policy

### **Uniform & Dress Code**

It is the policy of the City of Marion that each employee is expected to dress appropriately for the job. Certain City employees may be provided with uniforms and a uniform allowance because the performance of their duties is enhanced if they are in uniform.

City department heads are responsible for setting appropriate dress standards for their employees, subject to approval by the City Manager. In setting dress standards, departments should consider the nature of work, safety considerations, the nature of the employee's public contact (if any), the normal expectations of outside parties with whom the employee will work and the prevailing practices of other workers in similar jobs. City department heads should work with Human Resources on any issues or concerns that should arise.

### **Personal Hygiene**

Employees are expected to adhere to established hygiene requirements that ensure employees are presenting themselves appropriately and that the City of Marion is being properly and professionally represented as an organization. The following hygiene requirements are applicable to all employees:

- a. Maintain personal cleanliness by bathing regularly.
- b. Oral hygiene (brushing of teeth) is required.
- c. Use deodorant/antiperspirant to minimize body odors.
- d. No heavily scented perfumes, colognes, or lotions. These can cause allergic reactions, migraines and respiratory difficulty for other employees and guests.

### **Safety Footwear**

The City will pay 50% of the cost of replacement of one pair of safety shoes per fiscal year for permanent non-bargaining employees required to wear safety shoes. Employees will be paid on a reimbursable basis.

### **Safety Eyewear**

The City will pay 100% of the cost of replacement of one pair of safety glasses every two years for employees that are in a position where exposure to eye injuries is high.

The City of Marion will cover the cost for a frame, lenses, and scratch guard up to a maximum of \$200. This includes a prescription for bi-focal and tri-focal safety glasses. Please note:

- The employee will be required to pay for any enhancements to the basic eyewear unit, such as tinting, transition and progressive lenses.
- The employee will be required to pay for the eye examination if such examination is not provided by insurance coverage.
- The employee will be responsible for the total replacement costs if the provided eyewear is lost or damaged due to employee negligence or an intentional act by the employee.
- All eyewear that is provided by the City of Marion shall be worn on duty as required. All safety eyewear features, such as side shields, shall remain attached to the eyewear.
- Employees who are not utilizing protective eyewear as required while on duty shall be subject to disciplinary action up to and including termination.
- Employees seeking reimbursement for protective eyewear under these policies shall provide a receipt to their department for approval.



City departments are responsible for establishing departmental policies regarding safety shoes and safety equipment for temporary or seasonal employees.

**Parks, Public Services, Building, and Engineering Operational Employees**

Operational positions include Custodian, Utility I, Utility II, Arborist Tech I, Arborist Tech II, Equipment Operator, Engineering Tech, Operator Tech, Building/Engineering Inspector, Housing Inspector, Mechanic, Equipment Operator II, Arborist Tech II, and Foreman.

Quality service to the public includes the clean and professional appearance of the people who provide those services. All employees' clothing should be professional and appropriate for the work performed, as set forth in these policies, and determined by each department director.

Properly attired employees help to create a favorable image for the City. The following guidelines should be followed by all employees; however, nothing in this policy prohibits a department director from establishing a more stringent dress code for the department director's office or department.

- Employees are expected to dress in a manner that conforms to each department's dress code and is normally acceptable in their work area.
- All employees must maintain a clean, well-kept appearance.
- Clothing must be clean, well-maintained, and fit properly. Tight-fitting, oversized, torn, and revealing or provocative clothing is considered unacceptable. Certain articles of clothing, such as miniskirts, halter tops, sweatpants, wind pants and pajama pants, will be considered inappropriate work attire for all employees. Jeans that are not ripped, tattered, or worn out may be worn on designated casual days as determined by the department director.
- Closed-toe protective shoes and stockings/socks must be worn by certain departments and in certain work areas due to OSHA safety and health regulations.
- Full time employees (except building inspectors) covered under this policy and required by the City to wear safety shoes shall receive an allowance of \$200.00 per year for such shoes, payable the first payroll in October. Building Inspectors shall receive reimbursement for 50% of any pair of safety shoes purchased up to one pair of safety shoes per year. Building Inspector employees shall be required to show proof of a purchase in order to be eligible for reimbursement. It shall be the responsibility of the employee to report to work with safety shoes that comply with the applicable requirements at all times.
- The City of Marion will provide one pair of prescription safety eyewear for employees every 2 years for employees in positions that require safety eyewear. The employee is required to pay the entire cost for any enhancements to the eyewear such as tinting, transition, or progressive lenses. The employee shall be required to pay the entire cost of the eye examination if such cost is not covered by insurance. The employee shall be responsible for the total replacement costs if the safety eyewear is lost or damaged due to employee negligence, recklessness, or carelessness or if the safety eyewear is intentionally lost or damaged. All eyewear that is provided by the City of Marion shall be worn on duty as required. While employees may use their safety eyewear off the job, all features, such as side shields, shall remain attached to the eyewear. Employees that are not utilizing protective eyewear pursuant to City policies while on duty shall be subject to disciplinary action. Employees seeking reimbursement for protective eyewear under these policies shall seek reimbursement by providing a receipt to their Department Director for approval.
- Personal protective equipment should be used if applicable to the work situation.

- Specific departmental policies may be more restrictive than this policy.

Departments are responsible for enforcing this policy and for defining “appropriate” as necessary. Supervisors have the authority to ask employees to make changes or to require employees to go home and return to work in proper attire. Any work time missed because of failure to comply with this policy will not be compensated and repeated violations of this policy shall be cause for disciplinary action. Any prescribed and issued uniform or approved attire must be worn in its entirety while on duty.

Uniforms or a uniform allowance will be provided to employees in accordance with department policy and will be consistent with the policies of the City. The department will review uniform policies on an annual basis. Uniforms issued to employees shall be considered property of the City and employees will be required to the best of their ability to provide care for the uniforms to prevent damage.

### Section 2.03 – Employee Identification Badges Policy

It is the policy of the City of Marion that employees shall have City-issued identification.

Marion staff will be issued identification (ID) badges for the purpose of providing additional security and identification of staff working in the field and interacting with the public. The ID badge will contain a facial photo, name, name of the department the employee works in and the City logo.

Badges will be made available to all elected city council, board, and commission members and to appointive board members whose responsibilities for the City may include frequent visitation of sites outside their normal meeting location.

Use of the ID card will provide reliable and controlled identification and display to the public the authorized presence of the City staff person. ID badges for seasonal and temporary employees will have expiration dates. Badges for permanent staff will not expire. If an employee makes a significant change to their personal appearance (e.g., shaving a beard), a new photograph shall be taken and a new badge issued.

Badges are to be always visible (via lanyard, belt clip, pocket clip, etc.) on the outer clothing between the shoulder and the waist at any time the employee may be interacting with the public outside their normal work location. Normal work location is defined as inside a city-owned building that is the employee’s primary work site (e.g., city hall, parks maintenance building). Employees who are outside City buildings for more than incidental activity, such as walking to their car, must always have the badges on display while working. Badges must be clearly visible if employees are at or in any City-owned facilities that are not their primary work site. ID badges are to be always clearly visible for employees going onto private property in the course of their work and for employees visiting public project work locations.

Employees in departments requiring a distinctive work uniform or that issue their own badges may set their own internal policy under this section.

ID badges may not be used by City employees for purposes other than identification in the performance of their official duties as a City employee. Use of the badge for personal gain is strictly prohibited, and any such use shall be subject to discipline at the discretion of the department head and/or City Manager as applicable. Badges for seasonal employees shall be returned to the City at the end of the work season.

Employees shall not permit anyone else to use their badge at any time. If a badge is lost or stolen, the employee should immediately report it to the Human Resources Department.

### Section 2.04 – Conflict of Interest

Employees have an obligation to conduct business in a way that avoids actual or potential conflicts of interest. Activities and/or outside employment that is inconsistent, incompatible or in conflict with City employment include, but are not limited to: using City time, facilities, equipment, supplies or influence to give the employee or their immediate family members an advantage or pecuniary benefit that is not available to other members of the general public; activities or outside employment that involves the receipt of or promise of or acceptance of money or other consideration by the employee or their immediate family for the performance of an act the person would be required or expected to perform as part of their regular City duties; activities or outside employment where a City employee directly or indirectly controls, inspects, reviews, audits or enforces the responsibility of their City duties over their immediate family members or an organization that employs or intends to employ the employee's immediate family member or in which the City employee has a financial or other interest. Employees should disclose the existence of any relationship with outside persons or entities when City employees have influence over transactions with those outside persons or entities. Failure to abide by this policy can result in disciplinary action, up to and including termination of employment.

Each employee is charged with the responsibility of ensuring that they release only information that should be made available to the general public.

The provisions of Section 362.5 of the Iowa Code are applicable to City employees and employees should familiarize themselves with this section and shall avoid violating the same.

No City employee shall request, use or permit the use of any publicly owned property, vehicle, equipment, labor, service or supplies (new, surplus, scrap or obsolete) for the personal convenience or advantage of the employee or any other person except for that use, which is generally available to the public, or unless otherwise provided in the Employee Handbook (see Section 2 regarding use of City vehicles).

### Section 2.05 – Political Activity

Political activity must not interfere with job attendance or performance or the maintenance of a professional and productive work environment.

City employees shall not, while performing official duties or while using City equipment or vehicles at the employee's disposal by reason of position, solicit in any manner contributions for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during the working hours.

City employees shall not use their City position and/or official authority to influence or coerce the vote or political action of any other persons.

Employees who supervise other City employees shall not directly or indirectly solicit the employees supervised to contribute money, anything of value or service to a candidate seeking election or a political party or a candidate's political committee.

A department employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within 30 days prior to a primary, special, or general election and continuing until after the 30-day period, automatically be given a leave of absence without pay. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

This section shall not be construed to prohibit any employee or group of employees, individually or collectively, from expressing honest opinions and convictions or making statements and comments concerning their wages or other conditions of their employment.

Any City employee whose principal employment is in connection with an activity that is financed in whole or part by loans or grants made by the United States or a federal agency, except an individual who exercises no function in connection with that activity, shall not:

- 1) Use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
- 2) Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- 3) Be a candidate for elective office.
- 4) Solicit other employees or visitors for their own business or organization unless the City Manager grants permission. However, solicitations in the event of celebrating or in the event of a death or illness are exempt.

### Section 2.06 – Employee Gift Policy

Except as otherwise provided in Iowa Code Chapter 68B, a City official, City employee or candidate, or such person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B. A "restricted donor" as defined in Chapter 68B shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a City official, City employee or candidate.

Concerning gifts allowed under Iowa Code Chapter 68B, advance approval is required before an employee may accept a gift of any kind from a "restricted donor," including a resident, supplier or vendor representative, or any other person doing business with the City. Such gifts, including lunches, etc., cannot exceed a monetary value of \$3.00. Employees are not permitted to give unauthorized gifts to residents, suppliers or others doing business with the City.

If there are any questions, employees shall direct questions to the City attorney.

### Section 2.07 – Vehicle Safety Policy

It is the policy of the City of Marion to establish guidelines and procedures to be followed to protect the safety of individuals operating any motor vehicle on City business.

## Definitions

**ACCIDENT:** Any accident involving a motor vehicle that results in bodily injury or property damage.

**AT-FAULT ACCIDENT:** An accident involving \$2,000 or more in property damage where the driver has been convicted of or pled guilty to a moving violation issued by a law enforcement officer.

**AVOIDABLE ACCIDENT:** An accident involving \$2,000 or more in property damage in which the City Accident Investigation Committee determines to be avoidable or in which the City or its insurance company pays more than 50% of the liability claim(s) related to the accident. An accident involving a public safety vehicle operating in emergency response mode or snow/ice removal equipment involved in active snow/ice removal operations will not be considered avoidable if the vehicle or equipment is operated in conformance with department policy.

**CITY VEHICLE:** A motor vehicle owned or leased by the City, including a temporary replacement vehicle.

**DRIVER:** An employee assigned to or who operates a motor vehicle on City business.

**DRIVING RECORD:** A document obtained from the Iowa Department of Transportation providing information on motor vehicle violations, accidents, and license status of a specific driver.

**HIGH-RISK DRIVER:** Any driver on probation or suspension or whose driving history meets the criteria in Section 10 of this policy.

**MOVING VIOLATION:** Any conviction of traffic code violation recognized by the Iowa Department of Transportation as a moving violation. For purposes of this policy, the term “moving violation” shall also include any citation or municipal infraction related to the City of Marion’s ATE Program.

**NON-CITY VEHICLE:** Any motor vehicle used on city business but not provided by the City, including privately owned, leased, or rented vehicles.

**ON-DUTY BUSINESS:** Iowa Code chapters 85 and 411 shall provide the basis of what determines on-duty City business.

### Drivers are required to:

- 1) Read, understand, and follow the provisions of this policy.
- 2) Maintain a valid driver’s license and adhere to license restrictions. Employees who are required by their job description to have a Commercial Driver’s License (CDL) shall maintain the appropriate class of CDL license with appropriate endorsements and restrictions as set forth in the job description.
- 3) Report all non-ATE moving violations (on- or off-duty) to their department head and Human Resources as follows: Moving violations received while on duty shall be reported immediately to their supervisor. Moving violations (after conviction, pleading guilty, entrance of a municipal infraction, or losing an appeal) received while off duty shall be reported to their department head within two employee working days of receiving such violation. This applies to employees who receive a vehicle stipend or driving a City vehicle.
- 4) All ATE moving violation notifications received by City staff shall be reported to Human Resources.

- 5) Employee shall be responsible to pay any fines, fees, civil penalties, or any other costs associated with any moving violation received while on duty, including any ATE citations.

**Department Directors are required to:**

- 1) Ensure that accident reports are completed for all accidents in accordance with City safety policies and forwarded to Human Resources.
- 2) Take appropriate action with respect to high-risk drivers as set forth in these policies, in consultation with the City Manager.
- 3) Ensure all copies of the employee's updated driver's licenses are submitted to Human Resources.

**Human Resources is required to:**

- 1) Ensure the implementation of and compliance with vehicle safety policies.
- 2) Evaluate driving records to identify high-risk drivers.

**An employee shall not be assigned or allowed to use a motor vehicle on City business, if:**

- 1) The employee does not have a valid operator's license; or
- 2) The employee possesses licenses from more than one state; or
- 3) The employee's driver's license is suspended or revoked.

An employee is subject to progressive discipline (up to and including termination) if a moving violation occurs while on duty or while operating a City vehicle.

An employee is subject to termination if their driver's license is revoked and/or suspended (including temporary suspension) if the employee's job description and/or essential job functions require the employee to drive and/or possess a valid driver's license. This policy includes commercial driver's licenses and "drivers' licenses."

Employees who receive reimbursement from the City for use of personal vehicles for City business shall provide proof of automobile liability insurance limits of at least \$100,000 per person, \$300,000 per accident and \$100,000 property damage to the Finance Department on an annual basis. Such employees shall maintain their vehicle in safe operating condition compliant with the vehicle's manufacturer's specifications.

Use of a personal motorcycle for City business is prohibited.

Human Resources shall request a driving record for each applicant that the City extends a conditional offer of employment if the position requires it. Human Resources shall carefully consider the driving record and determine if the applicant's driving record indicates the applicant will be able to perform the essential functions of the job. In general, an applicant will be deemed unable to perform the essential function of their job if their driving record indicates the applicant is a high-risk driver.

If an existing employee is changing from a non-driving position to a position where an essential function of the job is driving or maintaining a valid drivers' license OR where the City will reimburse the employee for use of personal vehicles for City business, the employee's driving record shall be evaluated on the same basis as set forth in this policy.

Human Resources will obtain driving records for employees in positions where an essential function of the job is driving or maintaining a valid drivers' license AND for positions where the City will reimburse the

employee for use of personal vehicles for City business on an annual basis for all existing “drivers”. In addition, the City maintains the right to conduct periodic and random review of driving records for such employees at its discretion.

Employees shall be suspended from driving privileges (which may result in termination if the job description requires driving), and applicants for employment shall not be hired, if they have any of the following:

- Felony conviction involving a vehicle.
- Leaving the scene of an accident as defined by state law.

### **High-Risk Drivers**

A driver will be classified as a high-risk driver if the driver has one or more of the following within the immediate preceding three-year period:

- a. Conviction for an alcohol and/or drug-related driving offense.
- b. Refusal to submit to a Blood Alcohol Content (BAC) test.
- c. Conviction for reckless driving.
- d. Three or more moving violations (on- or off-duty) (if an incident involves more than one violation, only the most severe violation shall be counted under this provision), or avoidable accidents on City business involving property damage valued at \$2,000 or more.
- e. Suspension, revocation, or administrative restriction of operator’s license.
- f. At-fault in a fatal accident.

If an employee is identified as a high-risk driver, the employee shall be placed on probation until such time as the employee no longer qualifies as a high-risk driver per the section above. Terms of probation may include additional driver training, operating limitations, or other conditions as deemed appropriate by the employee’s department director.

An employee on probation may lose driving privileges if the employee commits any single repeat violation or an additional violation as described in Section 5, or any terms of probation are violated. The loss of driving privileges may result in termination if the employee’s job description involves driving.

Drivers are required to notify their supervisor and Human Resources immediately when:

- a. Any illness, injury, physical condition, or use of medication may impair or affect their ability to safely operate a motor vehicle.
- b. They receive a suspension, revocation, or administrative restriction of the driver’s operating license. If this occurs, the driver must also immediately discontinue use of the motor vehicle.

### **Section 2.08 – City Vehicles Policy**

It is the policy of the City of Marion to ensure that city-owned vehicles are not used for private or unauthorized purposes and that they are maintained in good working order.

The safety of City employees is of critical importance to the organization. Each employee has a responsibility to not only protect themselves when on the road, but also to protect those around them. Employees who are required to drive on City business at any time will be expected to consistently abide by the following:

- 1) City-owned vehicles shall not be used for private or unauthorized purposes.
- 2) Assume responsibility for reporting needed repairs and maintaining the cleanliness of the interior

- and exterior of the vehicle.
- 3) Operate the vehicle safely, economically and in strict compliance with all traffic and parking regulations.
  - 4) Comply with routine maintenance schedules as established by the employee's department director.
  - 5) Employees authorized by a department head or the City Manager may drive a City-owned vehicle if they have a valid driver's license. The driver's license must be appropriate for the vehicle being driven. City employees who drive a city-owned vehicle must be eligible for insurance coverage as determined by the City's insurance carrier.
  - 6) Radio-equipped vehicles shall maintain radio contact with an appropriate base station when on duty or on call.
  - 7) No posters, stickers or advertisements shall be placed on City vehicles without prior approval of the City Council.
  - 8) City vehicles may be used for transportation to and from meals only when assigned to an employee on a full-time basis or when in use by employees required by job assignments to take their meals in the field.
  - 9) The employee must meet all City licensing, registration, insurance and driving record requirements.
  - 10) Smoking, vaping, and all other forms of tobacco use are prohibited in all City vehicles.
  - 11) Employees driving City vehicles shall operate the vehicle in a safe and courteous manner.
  - 12) Employees shall always wear seat belts while in a moving vehicle being used for City business, whether driving or riding as a passenger. Employees shall require that all passengers they are transporting wear seat belts while in a moving vehicle.
  - 13) Employees shall not allow anyone to ride in a City vehicle or a personal vehicle on City time without receiving prior approval.
  - 14) Employees shall strictly follow the City's drug and alcohol policy when operating a vehicle on City time or driving a City vehicle.
  - 15) All accidents must be promptly reported to law enforcement, the employee's department director and Human Resources. Employees must cooperate fully with any insurance claims investigation that occurs.
  - 16) Any moving violations or parking violations received while on City time or in a City vehicle must be promptly reported to the employee's department director.
  - 17) An employee shall not use a company vehicle while on medication or suffering from a medical condition that impacts their ability to safely operate a vehicle.

**Distracted Driving:**

- 1) Employees shall take all appropriate steps to ensure that they are not distracted by a cellular phone or other mobile device to the point that safety is compromised.
- 2) Employees use of hands-free mobile devices is encouraged.
- 3) Employees must use care when dialing a cellular phone to ensure that safety is not compromised by the dialing process. This may require the employee to safely pull over to the side of the road to look up numbers or dial the phone.
- 4) If an employee must make notes during the phone call, the employee must safely pull over to the side of the road before making said notes.
- 5) Employees using City-issued phones for personal calls on their own time are encouraged to use appropriate safety accessories and guidelines.
- 6) Under no circumstances shall employees view or engage in texting, emailing, internet surfing, social media use or similar while driving. Public safety employees may operate any work-installed equipment to effectively respond to calls as the job requires.
- 7) Violations of this policy will be considered serious and may result in the imposition of discipline up



to and including termination.

- 8) City-owned vehicles are to be taken home only in cases where the employee is subject to emergency calls during off-duty hours or as authorized by the department head or City Manager.

The City reserves the right to monitor and/or verify any employee's driving record at any time.

### Section 2.09 – Travel Policy

All out-of-town travel and expenses incurred by City employees shall be approved in advance of departure by the responsible department director or designee. Approval by the department director must be contingent on the fact that the cost of the travel is within the proper budgeted line items. If travel is approved the original copy will be returned to the requesting employee and represents the authority to travel. The original must be kept for reimbursement of appropriate expenses. The department director shall make certain that the reimbursement request form is properly filled out and all documentation is attached before approval. All travel claims and reimbursement requests will be processed through the Finance Department.

After receiving travel approval, the employee may receive a travel advance by submitting a copy of the approved travel form to the Finance department. Travel advances to employees must be kept to a minimum whenever possible. Prepayment of registration fees is encouraged. Travel advances must be approved by the department director or designee. Any unused travel advance must be returned to the Finance department on the first workday back from the approved travel. A request for reimbursement of travel expenses not covered by the travel advance must be prepared and submitted within five working days of return. Failure by a department or an individual to adhere to these requirements can result in loss of travel advance privileges.

Approved air travel shall be at economy or business class when available. The use of the employee's personal car for trips outside the metropolitan area may be authorized by department directors or designees. The allowance for such use shall be at the rate set forth by the State of Iowa and IRS regulations. The route shall be by the most direct route possible. In approving the use of a personal car for long-distance travel the approving authority shall take into account travel time, cost and convenience to the employee. In no case shall the reimbursement for the use of a personal car exceed the amount of a round-trip airfare at economy or business class rate, if available. Employees who receive car allowances are allowed to claim mileage outside City of Marion limits.

Car rental may be authorized when other forms of transportation are not available, when rental is less expensive than other forms of transportation or when it is the most convenient and effective means of transportation. Use of a City-owned car may be authorized when it appears to be the appropriate means of travel. Overnight use of City-owned vehicles requires the approval of the department director or designee.

If the spouse of an employee accompanies the employee on approved travel, the employee must pay for all additional costs of transportation, meals, registration, and any lodging costs over and above the single rate.

Employees will be reimbursed for meals and incidental expenses related to authorized travel based on the "M&IE Total" column of the "Per Diem Rates" table as published on the U.S. General Services Administration website.

Where travel involves less than a full day, or in such situations where meals are provided as part of the conference registration, the “M&IE Rate” will be adjusted accordingly: 1/6 (16.67%) for breakfast, 1/3 (33.33%) for lunch, 1/2 (50%) for dinner. Employees will be eligible for breakfast allowance if travel commences before 7 a.m.; employees will be eligible for dinner if the employee’s return to Marion is after 6 p.m. Employees will not be reimbursed for any funds spent on alcoholic beverages.

Certain employees may be issued credit cards for the purpose of incurring travel expenses. The following rules shall apply to the use of such credit cards for travel expenses:

- a. Cardholders to whom credit cards have been issued may use such cards for payment of travel expenses for employees in their department.
- b. The credit card shall not be used for personal items. In the case where official use and personal use of the card cannot reasonably be separated the employee shall reimburse the City in full for any personal expenses within five business days upon their return to work.
- c. All other rules as outlined in the credit card policy shall also apply.

## Section 2.10- Information Technology Policy

### **Information Technology Policy**

Any employee who violates this policy or uses information technology for any other improper purposes may be subject to disciplinary action.

#### **Definitions**

**INFORMATION TECHNOLOGY:** Computers, computer files, networks, internet access and software furnished to employees and is City property intended for business use. Information technology may only be used for City business.

**ACCEPTABLE USE** is not an operations policy. Operational policies change more frequently and are internal facing only. This policy is general in nature and intended to protect all information technology resources from unauthorized or unintended use. Details with respect to how this is accomplished are governed by the City’s operational guidelines, standards, and best practices.

#### **Disclaimer**

The City reserves the right, in its sole discretion, to block access to offensive, malicious, and non-business web content or websites. The content of all communications created or disseminated through the use of any City information technology is the property of the City and shall comply with all policies. Employees should not access files or retrieve any stored information or communications without authorization. Employees should access those files only as necessary for the performance of their duties. Employees using the City’s information technology shall not attempt to exceed the access rights granted by the City.

For security and network maintenance purposes, authorized individuals within the City may monitor equipment, systems, and network traffic at any time. The City reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy. The Information Security team reserves the right to inspect all incoming and outgoing web traffic for the detection and prevention of malicious software. This includes traffic that may be encrypted.

#### **Usage Guidelines**

Excessive messages with little information sent to the entire staff slow down productivity and clogs the system. Any questions about whether one may circulate certain information to all employees shall be directed to the IT

Director or department director before proceeding.

Employees may not print, display, download, or send any sexually explicit, offensive, discriminatory, or harassing messages, cartoons, jokes, drawings, photographs, animations, or like material using City information technology. If employees receive such items from another person, they are to immediately advise the sender that they are not permitted to receive such information or items and that the sender is not to send such again. If the employee needs assistance in responding to such situations, they may contact their department director.

Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by authorized City personnel. The installation of personal software onto City-owned information technology is prohibited. The copying of purchased or leased software, unless authorized by the software vendor, is prohibited.

By opening e-mail, sending, or receiving information, using the voicemail system, logging on to the internet or by using any of the City's information technology, employees agree and understand that this technology has been provided by the City at its own expense and that it is the City's property. It is a tool for employee use in business transactions or business communication.

All communications and activity conducted on the City-owned systems are the property of the City. Employees shall have no expectation of privacy when using City-owned systems, even to information technology where the employee has a personalized username and/or password. Department Heads, the Human Resources Manager, and/or the City Manager may review, audit, or download messages that employees send or receive and may monitor employee Internet access. Additionally, all messages and data sent over City information technology may be subject to public open records requests or subpoenas. The Information Technology Department may inspect and disseminate all email, files, messages, internet usage, network activity or other information on systems without prior notice in order to proactively prevent malicious activity.

Confidential, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to transmittal of personnel information, such as performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related employee information.

Employees also may not interfere with or disrupt any City network or Internet users, services, programs, or equipment. Disruptions include, but are not limited to, propagation of computer worms, viruses or other debilitating programs and using the City network to make unauthorized entry to any other machines accessible via the network or Internet. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.

Employees shall not permit unauthorized persons to access City computers, systems, and networks. It is every employee's responsibility to prevent unauthorized access to City computers, systems, and networks. Only authorized vendors and support staff are permitted access to the City's systems. All city owned resources shall be used for city business purposes only.

### **Compliance**

The City has obligations to meet various compliances related to the nature of services conducted by its various departments. (HIPAA, PCI-DSS, CJIS, etc.) Those compliance policies are not covered here.

Credit card numbers, log-in passwords and other parameters which can be used to gain access to City goods or services must not be sent over the internet in readable form.

### **Security Guidelines**

The security section of this policy ensures that technology assets are not exposed in a way that can reduce their value to the City or damage the City of Marion brand.

The City's firewall protection may block employees from accessing certain internet sites. If an employee requires access to a certain site for work-related purposes, the employee should submit such request in writing to the Information Technology Department.

Virtual Private Network (VPN) connections made to the City network may only be initiated from devices that are owned by the City and provisioned by the Information Technology Department. VPN connections are prohibited from personal or non-City owned and configured devices.

It is the responsibility of City of Marion employees, contractors, vendors and agents with remote access privileges to the City network to ensure that their remote access connection is given the same consideration as if they were connected via an on-site connection at a City facility. **THE CITY OF MARION EMPLOYEES ARE RESPONSIBLE FOR ENSURING THE PRIVACY AND SECURITY OF THE INFORMATION AT ANY LOCATION (I.E., HOME, OFFICE, ETC.).**

City of Marion employees are responsible for ensuring the confidentiality of all usernames and passwords related to remote access or internal systems access. **In order to prevent unauthorized access, it is important that passwords, under any circumstances, are not saved or stored on any computer.** The employee's usernames and passwords are vital to system security, and the employee is responsible for ensuring that their passwords are not revealed to anyone, and that no other person can utilize them via a "saved password" feature.

At no time should any City of Marion employee copy any payment card information (PCI), personal health information (PHI) or personally identifiable information (PII) data to their personal device.

The following items are prohibited unless part of an employee's job duties:

- Port scanning and security scanning is expressly prohibited.
- Executing any form of network monitoring, which will intercept data not intended for the employee.
- Interfering with or denying service to any user.
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the internet/intranet/extranet.
- Providing information about, or lists of, City employees confidential information to any party unless authorized in employee's job duties.

## Section 2.11 – Mobile Device Policy

This policy is established for the management of mobile devices for City employees. It sets guidelines for City-provided mobile devices and the use of personal employee-owned mobile devices for work-related purposes.

Usage guidelines are needed for both security and acceptable use of government-furnished IT equipment and resources. As outlined by the IRS, limited personal use of mobile devices is permitted before it becomes a taxable benefit. Because mobile devices are capable and designed for personal purposes as well as business there is a need for a policy to govern the usage so it does not become a taxable benefit. There is no strict definition of what is limited use. Employees are expected to use their best judgement.

### **Definitions**

**MOBILE DEVICES:** include smartphones, tablets, and other personal wireless devices that are able to connect to city information systems from both wireless and cellular networks outside of the City of Marion facilities.

**MOBILE DEVICE MANAGEMENT (MDM):** is a City-wide software platform that enables mobile devices to be managed centrally to ensure mobile security settings are maintained consistently.

### **IT Department Role**

The IT Department manages all City-provided mobile devices using an MDM platform to reduce effort and duplication of work. The IT Department is responsible for applying device configuration to establish a security level that meets industry standard baselines.

**Lost or stolen devices:** The IT Department will use the MDM platform to attempt recovery of the mobile device based on its GPS location. In the event that recovery is not possible, the IT Department will attempt a remote wipe of the device.

In the event of a security incident the IT Department may need to take measures to isolate the device from access. Every effort will be made to prevent the misuse of a City device by a bad actor.

The mobile device will be purchased by the IT Department and issued to the employee upon approval from the employee's supervisor. The IT Department maintains the relationship with the cellular vendor and provides the most current costs for devices upon request. The IT Department maintains the device's enrollment in the data plan that best fits the City's usage as a mobile device fleet.

### **Finance Department Role**

The Finance Department reconciles monthly invoices and collaborates with the IT Department to identify opportunities for efficiencies in plan setup.

### **Employee Role**

The employee is responsible for usage. The following guidelines address general usage:

- An employee must review and acknowledge this policy while performing their job duties using mobile devices.
- Employees must update devices.
- An employee must promptly report lost or stolen devices to the IT Department as soon as the loss is noticed. It is also the responsibility of the employee to immediately change passwords to e-mail and other City systems accessed from the device.

- Upon termination, the employee must return the mobile device to the City.
- The IT Department does not backup mobile device data. The data storage on the device is to be considered transitory and not critical in the case that the device is lost, stolen, or broken beyond repair. If the employee expects to have the data stored on the mobile device backed up, they must configure the device for backup.
- The employee must treat the device and its potential to be the source of a security compromise the same as they would their desktop or laptop computer.
- Protected City of Marion data (SSNs, credit card numbers, health information, etc.) will not be stored on mobile devices.
- All mobile devices used to access any City information are not permitted to be used by other parties, including spouses, children, and co-workers. Pins used to unlock the device must remain confidential.

### **Guidelines for Personally Owned Mobile Devices**

- Employees who elect to use their personally owned devices to conduct City business (i.e., e-mail, texting, telephone, etc.) are solely responsible for the device security and usage.
- Device usage should be limited to applications and communications as outlined in the City Exempt Cell Phone Policy.
- Device security on a personally owned device must use access control methods (pin lock, password, or fingerprint) native to the individual devices capabilities to ensure unattended access is not possible to applications installed and connected for City business (e-mail, messaging, etc.).
- Devices will be subject to public records requests and become City-used devices by nature of acceptance of this policy in conjunction with the decision by the employee to use the device for City business.
- Use of personal devices must be approved by the employee's supervisor and must be accompanied by a signed City Exempt Cell Phone Policy form.
- This usage is defined as conducting business and not as your personal communication tool used by the City to contact you for reasons listed under your job duties (on call) or to communicate for employment-related purposes.
- The City does not guarantee compatibility with personal devices to City resources.
- Upon separation from the City, all City e-mail and data shall be deleted from an employee's personal mobile device.
- The City does not provide technical support for personal equipment beyond providing the configuration information necessary to connect to City e-mail and calendar.

### **Freedom of Information Act**

In the event that a request is received from the public according to the Iowa Code Chapter 22, phone records will need to be made available in compliance with this request. This will include records of all City-provided mobile devices and those that access City resources but are personally owned.

### **Section 2.12 – Social Media Guidelines**

City employees must exercise care when posting to personal websites or other social media. Any images or posts that could damage the City, department, or another employee's reputation or otherwise reflect unfavorably on the City or employees in their official capacity are prohibited. See additional policies for guidance on use of electronic communications, including telephone, e-mail, internet, etc.

Employees who post on City social media accounts should refer to the City's Social Media Policy.

### Section 2.13 – Sympathy Floral Arrangements Policy

To promote a caring and empathetic workplace, it is the policy of the City of Marion to send flowers to employees who are bereaved or hospitalized.

- In the event of a death in the family of an employee or elected/appointed official, the City shall send flowers to that employee as an expression of sympathy. For the purpose of this section, the employee's family shall include the following: spouse, child, sibling, parent, and the equivalent step or in-law relationships.
- In the event of a death of an employee or elected/appointed official, the City shall send flowers to the family of the employee or elected/appointed official.
- In the event an employee or elected/appointed official is hospitalized for a serious medical condition for more than one day, the City shall send flowers to the employee.

Department heads shall contact Human Resources as soon as possible to have the order placed. Floral arrangements shall not exceed \$75, excluding additional fees such as delivery and service charges.

## Section 3 – Compensation & Benefits

### Section 3.01 – General Payroll and Deductions Policy

A pay period for all employees except for elected officials is **bi-weekly**, starting at 12:01 a.m. Saturday and ending at 11:59 p.m. on the following Friday and consists of 14 days. The bi-weekly pay schedule is made up of 26 pay periods per year. The paycheck for all employees will cover all hours worked during the last pay period.

The normal pay period for elected officials is monthly. The paycheck for elected officials will cover all meetings attended during the last pay period.

The employee will contact Human Resources/Payroll as soon as possible if they believe an error has been made. Human Resources/Payroll will take the necessary steps to research the problem and process any necessary adjustments.

Paychecks for all employees will be distributed on the Friday following the close of the pay period via direct deposit unless the pay date falls on a holiday.

#### **Payroll Deductions**

Federal and state laws require specific deductions from the employee's paycheck. These deductions include federal and state income taxes, FICA, Medicare and applicable retirement (Iowa Public Employees Retirement System or Municipal Fire and Police Retirement Systems of Iowa) for those employees who are eligible. The amount of the deduction for FICA (Social Security) and MED (Medicare) is one-half of the total payment into the Social Security Fund each pay period on the employee's behalf. The federal government determines the percentage to be withheld. The other half of the payment is paid by the City. IPERS determines the percentage to be withheld from covered employee's gross salaries and the amount contributed by the City. Deductions for other purposes, i.e., deferred compensation, etc., must be arranged and authorized, in writing, in advance with the Payroll Department or as directed by a bargaining agreement.

Health, dental, and vision insurance employee premiums are deducted on a pre-tax basis, along with any other eligible benefits. Voluntary life deductions and other eligible benefits are deducted on a post-tax basis.

#### **Assigning Paycheck/Pay Advances**

Employees may not assign their paycheck to any individual or company. If the employee wants another person to pick up their paycheck, the employee must sign a written authorization. The person named in the authorization will be required to show identification before the check will be released.

No payroll advances will be granted under any circumstance.

#### **Court-Ordered Deductions**

When court-ordered deductions (i.e., child support, garnishment) are to be taken from the employee's paycheck, the employee will be notified as required by law. The City acts in accordance with the Federal Consumer Credit Protection Act, which places restrictions on the total amount that may be garnished from the employee's paycheck.



### Section 3.02 – Salary Ranges and Pay Increases for Non-Bargaining Employees

It is the policy of the City of Marion to provide pay increases for performance for those who are eligible. Bargaining unit employees shall defer to the respective agreement in place.

Progression in pay will be based on two factors: a cost-of-living adjustment (COLA) and the performance-based adjustment which is in conjunction with the Performance Evaluation Policy. The performance rating shall be determined by the completion of an annual performance evaluation conducted by the employee's supervisor. The City will determine the COLA rate on an annual basis based on market conditions and financial ability. The COLA rate will be applied to both the employee and the pay ranges; employees at the maximum will follow the scale.

The City Manager will recommend a percentage for maximum increases each year based on budgetary demands as per part of the annual budget process. Any such adjustments will be established as part of the annual budget, established by City Council.

#### **Salary Ranges**

The salary ranges for non-bargaining employees are based comparing the salary ranges of comparable cities as established by the Comparable Cities policy. Comparable cities are determined by population, income level of population, education level of population, median home cost, and metro/standalone community status. The salary ranges shall be adjusted based on the difference between the relative cost of living between Marion and the peer average, along with business need and current market.

The salary range for each position shall be based on the job requirements and market research. This is considered the wage the city would expect to pay a candidate that meets but does not exceed the minimum requirements for a position as established by the job description.

#### **Pay Increases**

All progression in pay will be performance-based in conjunction with the Performance Evaluation policy. The rating shall be determined by the completion on an annual performance evaluation conducted by the employee's supervisor.

Earned pay increases for non-bargaining employees shall be effective July 1 of each year.

The City may name an Interim for any given position on a temporary status. The employee named interim, shall receive a 5% interim stipend to their current salary or jump up to the minimum of the interim position's pay band, whichever is greater for the employee. To cover operational needs, the City may name a part-time employee to a full-time interim position with City Manager approval.

City Council will make a determination of pay increase for the City Manager pursuant to the City Manager's employment agreement.

The City Council may establish across-the-board pay adjustments for each budget year. Adjustments will apply to the pay range schedule and the existing pay of employees. Any such adjustments will be established as part of the annual budget.

Approval of pay for performance increases shall be contingent upon funding being available in the city budget.

### **New Hires**

Newly hired or promoted employees will be placed on the pay band according to applicable years of experience beyond the minimum required for the position. Flexibility may be allowed to ensure the city is competitive in recruiting and hiring qualified personnel. Departments with multiple personnel in the same position may adopt additional regulations to ensure equity with existing staff.

New Hires must be out of their introductory period before they are eligible for pay for performance.

1. New Hires hired during January, February and March will be eligible for pay for performance at the end of their 6-month introductory period and the following July.
2. New Hires hired during the months of April, May, and June will be eligible for pay for performance in July of the following year.

### **General Pay Plan Promotions**

Internal applicants from non-bargaining classifications are eligible to transfer or be promoted to departments after their introductory period is complete. Full-time and part-time employees are eligible to change jobs within their current department or job family at any time. Employees selected for a final interview in an alternate department must inform their current supervisor prior to attending the interview.

**Promoted employees who were previously eligible** for pay for performance will continue to be eligible for pay for performance based on their established goals for the previous position.

**Promoted employees who were previously in a bargaining unit** will be treated as new hires based on their promotion date and 6-month introductory period.

### **Police Pay Plan & Fire Pay Plan, Non-bargaining Promotions**

The starting pay for personnel promoted to a position shall be the next closest step within the new grade, with at least a 5% higher rate than their former wage.

When employees are promoted, they will receive the pay increase on whatever effective date they start the new position. They're eligible for all COLA adjustments, but the step increase will happen on the promotion effective date annually, upon a passing performance evaluation.

- For example, if someone promotes in April 2023, they would be eligible for the COLA on July 2023 and eligible for the step increase for April 2024, assuming the employee passed the performance evaluation in June 2023.
- If they promote in Oct 2023, they'll be eligible for both COLA in July 2024 and Step Increase on October 2024, assuming the employee passed the performance evaluation in July 2024.

## **Section 3.03 – Overtime Compensation Policy**

### **Definitions**

**NON-EXEMPT:** An employee who, pursuant to the requirements of the Fair Labor Standards Act ("FLSA") and related state law provisions, is required to be paid overtime for all hours worked in a workweek over forty hours. Non-exempt employees shall be paid on an hourly basis. A non-exempt employee is subject to working a schedule set by the City and is required to account for all hours and fractional hours worked. Non-exempt employees must receive permission from their supervisor prior to working any overtime

hours. Failure to do so may result in disciplinary action. An employee's job description will indicate if the employee is non-exempt.

**EXEMPT:** An employee who, pursuant to the requirements of the Fair Labor Standards Act ("FLSA") and related state law provisions is not required to be paid overtime for all hours worked in a workweek over forty hours. An exempt employee is expected to work the hours necessary to fulfill the duties and responsibilities of their position without additional compensation, including hours different from or in addition to the schedule set by the City. An employee's job description will indicate if the employee is exempt.

### **Non-exempt Employees**

Non-exempt employees may be requested and/or scheduled to work overtime hours. Reasonable attempts are made to notify employees in advance of mandatory overtime assignments. All overtime hours worked must be approved in advance by the employee's supervisor/department head. Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action.

Overtime compensation shall be paid to all non-exempt employees at a rate of one and one-half times the applicable straight-time rate for all hours worked over 40 per week as required by law. Time spent on the job performing assigned duties and paid time off under the circumstances described in the Employee Handbook will be considered time worked for the purposes of calculating overtime. FLSA 207(k) exemption applies to non-exempt law enforcement and fire fighters; overtime will be based on an 80-hour pay period for Police Sergeants.

With department head approval, eligible employees may elect compensatory time in lieu of overtime pay. Non-exempt, non-bargaining, 2080-hour employees will accrue up to a max of 240 hours of overtime compensation in the form of compensatory time off. If employees hit the cap, employees will be paid out at the overtime rate. Employees who work 2920-hour schedule will accrue up to a max of 337 hours of overtime compensation in the form of compensatory time off.

Employees may request to use their compensatory time at any time after it has been earned. In other words, requests for use of compensatory time can be made during the same pay period that the compensatory time was earned or during a future pay period.

Employees must receive approval from their supervisor and/or department head prior to using compensatory time. Requests will be reviewed for approval unless the employee's use of compensatory time would unduly disrupt operations, determined by a number of factors, including business needs and staffing requirements.

### **Exempt Employees**

"Exempt" or "salaried" employees are exempt from the legal requirements of being paid overtime for hours worked over 40 in a work week. While not required by law, the City of Marion historically allowed employees to "flex" their time by accruing what has been referred to as "comp" or "compensatory" time for hours worked in a work week over forty. This "compensatory" time is not the same as the compensatory time earned by non-exempt employees as a matter of law and pursuant to the City's policies. Historically, "compensatory" time for exempt employees has been earned one hour for every hour worked over forty. Exempt employees have historically then been permitted to use their "compensatory" time earned to take time off and upon leaving employment with the City of Marion have been paid out up to 480 hours, unused "compensatory" time at the end of their employment.

Starting April 6, 2024, exempt employees will no longer be permitted to accrue “compensatory” time for hours worked over forty. Exempt employees may still have to work over forty hours in some work weeks; however, their working schedules should be flexible to accommodate the requirements and practices of their professional position. Working hours for exempt employees shall be governed by the employee’s Department Director or supervisor.

Exempt employees who have accrued “compensatory” time prior to April 6, 2024, are encouraged to use that time throughout their employment. Employees will not lose their accrued “compensatory” time, but starting April 6, 2024, exempt employees will no longer earn “compensatory” time. When an employee leaves their employment, any remaining, accrued “compensatory” time up to a max of 480 hours earned prior to April 6, 2024 will be paid at rate of pay the employee was earning on April 6, 2024.

### **Flexible Time**

Exempt employees whose positions may require more than the standard 40-hour work week may be eligible for flex time. Flexible work time allows employees to leave early when the workload has been heavy and has lightened up to offer more flexibility, provided:

- a. Work performance is in good standing;
- b. The change in time is not detrimental to the overall operation of the department;
- c. The employee has received approval and notified their immediate supervisor as to where they may be reached in case of emergency; and
- d. Managers should keep their supervisor and/or department head informed as to their schedule when not in the office.

The use of flexible time does not require documentation of hours of work accumulated over the normal 40-hour work week nor the use of paid leave for absences attributed to a flexible schedule. Flexible time may not be used in increments of eight or more consecutive hours. For example, employees must substitute paid leave for absences of eight hours or more. For example, a manager who works 10 hours a day Monday through Thursday is not allowed to take a full day off on a Friday as flexible time.

### **FLSA Status Change**

If an employee’s FLSA status changes from non-exempt to exempt, the employee will have a choice to either receive an immediate payout of all accrued compensatory time at the highest rate the compensatory time was earned at or can opt to carry the compensatory time as a balance and utilize the time as time off throughout the rest of their employment. If the employee decides to carry the compensatory time balance, all accrued compensatory time will be paid out at the highest rate the compensatory time was earned at during the reclassification, transfer, or promotion at the end of the employee’s employment.

If an employee has any questions or concerns about their salaried status or believe that any deduction has been made from pay that is inconsistent with their salaried status, the employee should immediately raise the matter with the Human Resources for resolution.

### **Parks, Public Services, Building, and Engineering Operational Employees**

Operational positions include Custodian, Utility I, Utility II, Arborist Tech I, Arborist Tech II, Equipment Operator, Engineering Tech, Operator Tech, Building/Engineering Inspector, Housing Inspector, Mechanic, Equipment Operator II, Arborist Tech II, and Foreman.

## City of Marion Employee Handbook

Full time employees who are scheduled or called to work outside their regularly scheduled shift and not immediately before or after their regularly scheduled shift, will be paid a minimum of two hours cash or compensatory time at the rate of time and one-half, regardless of the amount of time actually required to perform the task(s) assigned.

Full-time employees who are scheduled or called to work outside but contiguous to their regularly scheduled shift, will be paid for the actual hours worked in cash or compensatory time at the rate of time and one-half for those hours that exceed the regular shift.

With the exception of emergency or exigent circumstances, overtime work shall normally be distributed equally to employees working within the same job classification. The distribution of overtime shall be equalized whenever possible over each six (6) month period set by the department.

When feasible, the opportunity to work overtime shall be offered to the employee within the job classification who has the least number of overtime hours to his/her credit at that time. If this employee does not accept the assignment or does not respond to the request for overtime, he/she will be charged the overtime and the employee with the next fewest number of overtime hours to his/her credit shall be offered the assignment.

For purposes of maintaining continuity during emergency or storm events, overtime may be scheduled with employees that are currently assigned to the preceding shift.

The procedure shall be followed until the required employees have been selected for the overtime work or if no employee accepts the assignment, mandatory overtime will be assigned to an eligible staff member.

A record of overtime hours worked or offered by each employee shall be posted on the department bulletin boards monthly.

When deemed necessary by the department head, employees will be assigned pagers or electronic devices for the assignment of overtime. Employees will be required to follow all rules and procedures as they relate to overtime standby.

An employee designated to be in standby status is responsible for keeping the City aware of his/her availability and shall be accessible to telephone. The City may establish reasonable reporting time and procedures for implementation of this section. An employee in standby status shall receive compensation as defined by supplemental policy per day for each day on standby.

The employee may accrue up to 240 hours comp time in lieu of overtime pay pursuant to the requirements of the Fair Labor Standards Act.

If work on the job is limited or the job function includes incentive program per department policy, the employee may be excused from duty after a minimum of four (4) hours work and paid at his/her regular rate for work completed at the appropriate rate, straight time, or overtime, whichever is applicable.

### [Section 3.04 - Longevity](#)

It is the policy of the City of Marion to reward full-time employees for years of continuous full-time service to the city.

Longevity pay shall be payable during the second pay period in November. Longevity pay is based on the number of years of continuous service completed within the calendar year. Payment will be based on the following non-cumulative schedule:

Over 5 years	\$ 400
Over 10 years	\$ 600
Over 15 years	\$ 700
Over 20 years	\$ 900
Over 25 years	\$ 1,200

### Section 3.05 – Health, Dental and Long-Term Disability Insurance

It is the policy of the City of Marion to provide group health insurance for City employees and their families. The premium contribution, deductibles, out-of-pocket maximums, and any premium discounts for wellness program participation, refraining from nicotine use, or other participation or activities will be set by the City Council each year.

- All terms and conditions of insurance coverage provided, including eligibility for coverage, coverage period, and dates of premium payments necessary for such coverage shall be determined by the insurance carrier (company).
- An employee shall be eligible for such coverage from the first day of the month following the date employment begins.
- Employees eligibility for insurance will be governed by the Affordable Care Act's requirements. Generally, employees working 29 hours or less per week will not be eligible for insurance.
- The City shall pay the complete cost of a long-term disability plan, which provides 66 2/3% of gross income after a 90-day waiting period.

### Section 3.06 – Employee Assistance Program (EAP)

The City provides an Employee Assistance Program (EAP) for its employees and immediate family members. The Mercy Hospital Employee Assistant Program (EAP), Cedar Rapids, provides confidential counseling and guidance services, related but not limited to depression, anxiety, addiction, family, marital issues and/or other concerns that impact daily activities and quality of life.

The EAP provides up to five counseling and guidance visits per eligible person at no cost. Further referrals may incur a cost to the employee, which may or may not be covered by insurance.

Employees are encouraged to voluntarily contact the EAP at (319)398-6694.

### Section 3.07 – Life Insurance

It is the policy of the City of Marion to provide noncontributory life insurance for all full-time employees at no cost.

All full-time, permanent, non-bargaining employees shall receive group term life insurance with a face value equal to one time their annual base salary (rounded up to the nearest one thousand dollars) up to \$50,000.

An employee shall be eligible for such coverage from the first day of the month following the date employment begins. Coverage ends the date an employee last worked.

### Section 3.08 – Tuition Reimbursement

It is the policy of the City of Marion to encourage employees to upgrade their skills and to further their education for the benefit of efficient City operations.

Non-bargaining, full-time employees may receive a 50% reimbursement for tuition and books for college-level coursework. To be eligible for this reimbursement, the coursework must be job-related and specifically approved in advance by the department head or City Manager. Approval shall be contingent upon funding being available within the department's existing budget. To obtain reimbursement for tuition and books, the employee shall have the institution send a transcript, at the employee's expense, to Human Resources. The transcript must show that the course has been successfully completed and that the employee received a grade of "C" or better or a "pass" in a "pass or fail" scoring system. An employee may be allowed to take courses on duty time, subject to the approval of the department director and City Manager.

The City requires that employees participating in educational reimbursement sign a repayment agreement. Generally, if an employee terminates their employment with the City within two years of completing and being reimbursed for the class, the employee is obligated and understands that the City is to be reimbursed for the cost of the class, and it is the City's intent to hold the employee responsible for such reimbursement.

A repayment agreement may also be required when an employee participates in specialized training or certification programs paid for by the City.

Tuition reimbursement will be paid through payroll. Tuition reimbursement is tax-free, up to \$5,250 per year. Tax-free educational assistance benefits include payments for tuition, fees and similar expenses, books, supplies, and equipment. The payments may be for either undergraduate- or graduate-level courses.

### Section 3.09 – Education Credit

Non-bargaining employees are eligible for education credit of \$150 per month for attaining a master's degree in a job-related field from an accredited college or university. To qualify for this education credit, employees shall provide at their expense a copy of the diploma and/or college/university transcript to Human Resources.

Building inspectors will receive an additional Twenty-five Dollars (\$25.00) per month per major certification. This shall be capped at six (6) certifications or \$150.00 per month.

### Section 3.10 – Iowa Public Employee Retirement System (IPERS)

The City of Marion is a participating employer in the Iowa Public Employee Retirement System (IPERS). As a participating employer, the City and eligible employees are required to be enrolled and contribute to this defined benefit program. The details of this program are listed below:

- The City will comply with all state laws and regulations concerning IPERS. All such laws and regulations shall take precedence over this policy.

- All permanent, full-time, and part-time employees, not covered by Municipal Fire & Police Retirement System of Iowa (MFPRSI), will be automatically enrolled in IPERS upon their date of hire.
- Temporary/seasonal employees (a person hired to work less than six months or on an irregular or on-call basis) qualify for IPERS by establishing an ongoing relationship as follows:
  - When wages paid are \$1,000 or more in two consecutive quarters, or
  - When employed for 1,040 hours or more in a calendar year.
- After becoming eligible and part of the IPERS system, temporary/seasonal employees do not have to requalify for IPERS if they leave and return from City employment within a 12-month period.
- See the IPERS Employer Handbook for further guidance on enrollment.

### Section 3.11 – Deferred Compensation Plan

It is the policy of the City of Marion to allow payroll deduction for the employee's 457 deferred compensation plan through a City of Marion approved provider. The City has adopted a plan pursuant to Section 509A 12, Code of Iowa, for the purpose of affording City employees the opportunity to defer compensation as a means of providing retirement benefits. The City solely determines the plan available and employees may participate through payroll deduction. The plan's provisions are provided to employees at hire and upon request.

### Section 3.12 – New Mother's Policy

The City of Marion is supportive of offering new mothers a space and time to accommodate any of the needs outlined below. This policy is to accommodate the employee and be in compliance with the required law. As such, for the first year following the birth of a child, an employee who is breastfeeding shall be provided with the following:

- 1) Sufficient break time to express milk at work. Supervisors are encouraged to be flexible in order to accommodate the employee's needs. This can be accomplished by shorter meal breaks, using break times, or adjusting starting and ending workdays. Alterations to existing work hours should be approved in advance by their department director.
- 2) Providing a clean, private space that is not a restroom facility for pumping or nursing. The space shall be shielded from view and free from intrusion.
- 3) A water source for washing hands and rinsing breast pump equipment will be available close to the space.
- 4) Employees who are breastfeeding may use refrigerator space in break room refrigerators for storage of milk. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering.



## Section 4 – Absences, Paid Time Off & Leaves

### Section 4.01 – Inclement Weather Policy

On occasion, weather conditions may be so severe as to affect an employee's ability to report for work at the regular starting time. Maintaining City services during periods of emergency is essential, and all employees must make reasonable efforts to report to their assigned workplaces. However, the City recognizes that on an individual basis weather conditions may effectively immobilize an employee to the extent that the employee is tardy or absent. This policy shall be used in those isolated cases.

Absenteeism or tardiness due to inclement weather conditions shall be considered on an individual basis by the department head, in accordance with department procedures.

Employees shall call in and inform their supervisors if weather conditions are such that they will be late or absent. The call shall be made as early as possible before the start of the working day or by departmental reporting standards. The employee shall inform the supervisor whether he/she will be late or absent and when they expect to report.

When the department head has determined that the absence or tardiness was justifiable, the employee may elect to use vacation or other paid time for the time absent; leave without pay can be used if no paid time is available.

If the absence or tardiness is not judged justifiable by the department head, the employee shall not be paid for the time absent or tardy and such lost time shall be considered as unexcused.

In the event that weather conditions are of the severity that health and safety of City employees may be jeopardized, the City Manager or their designee may curtail City operations on an essential services basis. Employees who have already reported to work that day and are sent home will be paid for the remainder of their scheduled working day.

### Section 4.02 – Holiday Policy

The following will be recognized as paid holidays for regular full-time City employees who are classified as non-bargaining:

New Year's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	New Year's Eve Day
Veteran's Day	Two Personal Days

Should a holiday fall on Saturday, the preceding Friday will be observed as the holiday. Should a holiday fall on a Sunday, the following Monday will be observed as the holiday. The following schedule will apply in observing Christmas Eve/ Christmas Day and New Year's Eve/New Year's Day holidays when they fall on:

Friday/Saturday	Observed on Thursday/Friday
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Saturday/Sunday	Observed on Friday/Monday
Sunday/Monday	Observed on Monday/Tuesday

Personal days shall accrue each July 1 and must be used during that fiscal year, except for introductory employees. Introductory employees hired prior to January 1 of the fiscal year shall receive two personal days. However, any employee hired after January 1 of the fiscal year will receive one personal day. Anyone hired after April 1 can carry over personal days through the next fiscal year.

Eligible employees who perform no work on a holiday shall be paid for one day's work at their regular rate of pay.

Any non-exempt employee who works at the request of the employer on their holiday shall be paid the holiday pay plus one and one-half times their regular rate for hours worked.

An employee shall forfeit their right to payment when performing no work on any such holiday if they have an unexcused absence on the last regular working day preceding such holiday or on the next regular working day following such holiday.

For other holidays not listed above, an employee must use vacation or personal days.

Battalion Chiefs who work a shift schedule of 2080 hours will adhere to the personnel manual. Battalion Chiefs who work a shift schedule of 2920 hours per year shall mirror the Fire Union's contract, Article 7.

### Section 4.03 – Library Holidays

The following will be recognized as paid holidays for full-time library employees:

New Year's Day	Day after Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas
Labor Day	New Year's Eve (Half-day)
Thanksgiving Eve (Half-day)	Four Personal Days
Thanksgiving Day	

Library holidays are observed on the day the holiday occurs.

Employees shall be eligible for pay for any holiday falling within a pay period for which they receive compensation.

Eligible employees who perform no work on a holiday shall be paid for one day's work at their regular rate of pay.

An employee shall forfeit his right to payment for performing no work on any such holiday if they have an unexcused absence on the last regular working day preceding such holiday or on the next regular working day following such holiday.

Personal days shall accrue each July 1 and must be used during that fiscal year, except for probationary employees. Introductory employees hired prior to January 1 of the fiscal year shall receive 32 personal hours (four days). However, any employee hired after January 1 of the fiscal year will receive 16 personal

hours (two days). All employees shall be eligible for pay for any holiday falling within a pay period for which they received compensation. Anyone hired after April 1 can carry over personal days through the next fiscal year.

**Section 4.04 - Vacation**

Full-time, non-bargaining employees are eligible for paid vacation time. The amount of paid vacation time accrues based on years of full-time service. Use of accrued vacation time is to be granted, with due consideration to departmental staffing needs.

Employees shall start to earn vacation allowance as of their first day of full-time employment and shall accrue vacation time monthly.

Vacation allowance shall be earned annually and shall be based on the employee's anniversary date as follows unless otherwise stipulated by an employment agreement with that employee:

<b>Exempt Employees:</b>		
<b>Years of Service</b>	<b>Vacation - Hours Accrued Monthly</b>	<b>Vacation - Annual Hours Allowance</b>
1st year	6.66	80
1st Anniversary	10	120
8th Anniversary	13.33	160
14th Anniversary	16.66	200
<b>Non-Exempt Employees:</b>		
<b>Years of Service</b>	<b>Vacation - Hours Accrued Monthly</b>	<b>Vacation - Annual Hours Allowance</b>
0 through 5 years	6.66	80
5th Anniversary	10	120
10th Anniversary	13.33	160
16th Anniversary	16.66	200

Upon retirement, death, or any other type of termination, vacation credit shall be given based on the accrual reflected above.

All vacation requests must be approved by the department head. Or, in the case of department heads, the City Manager before vacation may be taken. Scheduling of vacation time shall be the responsibility of department directors, subject to staffing needs.

Vacation periods may be changed after they are approved only with the approval of the department director or City Manager as applicable.

If a holiday occurs during the calendar week in which a vacation is taken by an employee, the employee's vacation period shall be extended by one additional workday.

Accrued vacation will be limited to an amount equal to two years of vacation time. Employees covered under the scope of this policy shall use up excess vacation accrued by March 31 of each year or excess vacation will be forfeited.

An employee must exhaust all paid leave available to the employee prior to any request for unpaid leave requested. All unpaid leave needs to be approved through Human Resources.

An employee's leave is not transferable and cannot be donated to another employee. Exceptions to the carryover policy will be subject to the City Manager's discretion.

**Parks, Public Services, Building, and Engineering Operational Employees**

Operational positions include Custodian, Utility I, Utility II, Arborist Tech I, Arborist Tech II, Equipment Operator, Engineering Tech, Operator Tech, Building/Engineering Inspector, Housing Inspector, Mechanic, Equipment Operator II, Arborist Tech II, and Foreman.

Vacation requests shall be made in the following manner:

- The department head can limit the number of employees on vacation at one time contingent on workloads and staffing in the department. Paid leave and vacation requests will be granted based on the order in which the application was submitted. The department head can revoke vacation already granted in emergency or exigent circumstances when staffing levels dictate. A request for vacation is not a guarantee that vacation will be granted, but the City will generally do its best to accommodate all vacation requests.
- Vacation periods may be changed after April 1st only with the department head's authorization.

Holidays During Vacation Period. If a holiday occurs during the calendar week in which a vacation is taken by an employee, the employee's vacation period shall be extended one additional workday.

Work During Vacation Period. Any employee who is requested to and does work during his/her vacation period shall receive the vacation time back, to be rescheduled at a future period.

[Section 4.05 – Sick Leave](#)

It is the policy of the City of Marion to grant its employees paid sick leave to be used for personal illness. Employees may use paid personal illness days for (1) the employee's own mental or physical illness, injury or health condition or (2) the employee's own need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition including routine medical, dental, or vision appointments (when such appointments cannot be scheduled outside the employee's regular working hours). Employees may use sick leave for up to five working days each year for an illness or injury to a dependent that requires the employee's immediate attention and/or care. Sick leave shall be considered upon application before or within a reasonable time after the absence, depending on the circumstances of each case.

Non-bargaining, full-time eligible employees shall earn and accrue sick leave at the rate of twelve hours per month for the first four years of employment and eight hours per month thereafter. Sick leave may be accumulated to a maximum limit of 960 hours per individual. Regular part-time employees (employees working 29 hours or less per week), temporary employees and seasonal employees are not eligible for sick leave.

Years of Full-Time Employment	Sick Leave Hours Accrued Monthly
0-4	12
5 +	8
Maximum Sick Leave Accumulation: 960 hours	

An employee, on leave because of an occupational disability related to their employment, may take such sick leave allowance to which they are entitled and the prorated amount will be added to the amount of disability worker's compensation, which will result in an equivalent payment to the employee of full salary for any particular period. The employee should notify the Human Resources Department of their desire to supplement their workers' compensation benefits in writing.

Employees are to report absences to their supervisor as soon as possible, and in accordance with department policy and procedure. Employees who are absent for more than one day must contact their supervisor/department director at the beginning of each day they are absent from work, unless documented in advance with a physician's statement. Employees who fail to notify their supervisor/department head of an absence will forfeit eligibility for paid sick time and may be subject to disciplinary action. Employees who fail to notify their supervisor/department head of absences for three consecutive days will be considered to have voluntarily terminated their employment with the City at the end of third working day. In the case of an illness beyond three working days, an employee is required to provide a physician's statement stating that the employee is able to safely perform the employee's essential job functions with or without reasonable accommodations.

Department heads and/or immediate supervisors shall report all employee absences lasting three consecutive days to the Human Resource Department. Notifications of absences shall be reported the same day the department head and/or immediate supervisor was made aware of the employee absence.

Sick leave shall not be used for employees on vacation, holidays or leaves of absence. If there is sufficient reason to believe an employee may be abusing sick-time privileges, Human Resources may, by written notice, advise the employee of any issues concerning the past usage of sick time. The written notice may state that a medical certificate, signed by a physician, will be required for all absences of sick time in the future. If continued abuse is evident, the employee will be further advised, by written notice, that all future requests for sick time shall be investigated and, if found to be unwarranted, the employee may be subject to disciplinary action. Abuse of sick leave and/or violation of this policy shall result in discipline up to and including termination.

Employees who are absent due to illness shall not be eligible to work overtime shifts until they return to work at their regular shift. For example, an employee shall not be permitted to call in ill for work during the day and then that evening plow snow as part of an overtime shift.

New hires may borrow up to 40 hours of sick leave within the first three months of employment, with HR approval. Any borrowed sick time must be paid back if employee separates with the City before it's accrued back. The employee agrees that the employee's written authorization on the Employee Acknowledgement Form shall authorize the City to withhold any amounts of borrowed sick leave from the employee's final paycheck.

Employees shall not be paid out sick leave upon termination, voluntary or involuntary, except pursuant to a collective bargaining agreement and/or retirement policy.

## Section 4.06 – Family Medical Leave (FMLA)

It is the City of Marion’s policy to provide unpaid leave to eligible employees in accordance with the requirements of the federal Family and Medical Leave Act (FMLA). A general overview of FMLA leave is included below. Whether a particular situation is covered by the FMLA depends on whether the law’s requirements have been met, not on whether an employee requests FMLA leave. **The City of Marion will designate leave as FMLA leave if the employee is eligible for FMLA leave and if the law’s other requirements are satisfied, even if the employee has not requested FMLA leave.** If it is found that any provision of this policy conflicts with state or federal law, including federal FMLA law, the law shall supersede this policy. In all respects, leave of absence under this policy shall be administered and provided for in a manner consistent with the Family and Medical Leave Act of 1993 and its published regulations.

### **Definitions**

**CHILD:** means a child under 18 years of age or a child 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual daily responsibility for care and includes a biological, adopted, foster or stepchild.

**PARENT:** does not include parents-in-law.

**SERIOUS HEALTH CONDITION:** means an illness, injury, impairment or physical or mental condition that involves

- an overnight stay in a hospital, hospice, or residential medical-care facility;
- a period of incapacity that requires absence from work for more than three consecutive calendar days AND involves either two or more treatments by a healthcare provider, or at least one treatment by a healthcare provider plus a regimen of continuing treatment;
- any period of incapacity due to pregnancy or for prenatal care;
- a chronic serious health condition that results in periods of incapacity and sometimes requires treatment;
- permanent or long-term conditions which require medical supervision; or
- multiple treatments and recovery therefrom.

**SPOUSE:** means a person in a marriage or in a common-law marriage. Spouse does not include an unmarried domestic partner.

**ROLLING 12-MONTH PERIOD:** during which the leave entitlement occurs is designated as the 12-month period measured backward from the first date of the leave.

### **Married employees**

If an employee and their spouse are both employed by the City of Marion and are both eligible for family and medical leave, the employee and their spouse will be limited to a combined total of 12 weeks of family and medical leave a year taken for any one or all of the following reasons:

- Birth of a child or to care for the child after birth.
- Placement of a child with the employee for adoption or foster care, or to care for the child after placement.
- To care for the employee’s parent with a serious health condition.

This limitation does not apply in cases of leave to care for the serious health condition of an employee’s spouse or child, or because of an employee’s own serious health condition.

### **Circumstances that Qualify**

The Family and Medical Leave Act provides that eligible employees may take up to 12 weeks of unpaid leave during a rolling 12-month period for any of the following reasons:

- 1) The birth of a child and to care for a newborn child within one year of birth.
- 2) The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement.
- 3) A serious health condition that makes the employee unable to perform the functions of his or her job.
- 4) To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- 5) Qualifying Exigency Leave: Eligible employees may take up to 12 weeks of FMLA leave to handle exigencies related to a family member's active duty military service or call to active duty, which means leave to deal with child care, financial or legal arrangements due to deployment, leave to address issues arising from the death of his or her covered service member, or leave to spend time with a covered service member who is on short-term temporary rest and recuperation leave during deployment, among other things.
- 6) Covered Service Member Family Leave: Eligible employees may take up to 26 weeks of FMLA leave to care for a spouse, son, daughter, parent or next of kin who has a serious injury or illness incurred in the line of active duty in the United States Armed Forces.

### **Employee Eligibility**

Only eligible employees are entitled to take FMLA leave. In order to be eligible to take family medical leave, an employee must meet all of these criteria:

- 1) Have worked for the City for 12 months or more within the last seven years (unless the break in service was due to an employee's fulfillment of military obligation or governed by a collective bargaining agreement or other written agreement);
- 2) Have worked at least 1,250 hours for the City during the 12-month period immediately before the date the FMLA leave is to start; and
- 3) Be employed at a location where 50 or more employees are employed by the City within 75 miles of that location.

### **How and When Leave May be Taken**

Family and medical leave is taken either in consecutive workweeks, intermittently in separate blocks of time, or by reducing the number of days the employee works per week or hours per day. Duration of FMLA: Eligible employees may receive up to 12 weeks of FMLA within a rolling twelve-month period, measuring backward from the date leave is requested. Spouses working for the City of Marion are entitled to a combined 12 weeks in a 12-month period, unless the leave is for a serious health condition of either spouse. FMLA for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement of the child. Intermittent/Reduced Schedule FMLA: FMLA for a serious health condition of the employee or an immediate family member may be taken intermittently in increments as small as ¼ hour or on a reduced schedule basis. Medical certification will be required, providing the need for intermittent or reduced-schedule leave. The employee shall attempt to schedule his or her intermittent or reduced-schedule leave so as to not disrupt the City of Marion operations. In the event of a reassignment, the employee's pay and benefits during this time will be equivalent to the employee's current pay and benefits. Employees shall not be permitted to be employed by or perform work for other employers while they are on FMLA leave.

### **Certification**

Any leave for a serious health condition, whether for the employee or for the employee's child, spouse, parent, or covered service member, will require medical certification. Medical certification forms are

available from Human Resources. The City of Marion may request a second or third opinion of a medical certification at the City's expense. Periodic recertification at the City's expense may also be required. Medical certifications, if requested, must be provided within 15 calendar days of the request, unless special permission is received from Human Resources.

Employees will be required to periodically check in with Human Resources during their leave to keep the City of Marion apprised of their status and intent to return to work. Confidentiality regarding the request will be maintained except for return-to-work information or required information to ensure safety. FMLA files are considered medical records and will be kept separate from the personnel file. Certification will include the date of onset, the probable duration, type of treatment and other appropriate medical facts concerning the condition. If an employee is seeking leave for their own health condition, the certification must also state that the employee is unable to perform the essential functions of their position. For leave to care for a family member, the certification must state that the employee is needed to care for the family member and an estimate of the amount of leave time the employee will need. Other certification requirements apply in the case of intermittent or reduced schedule leave.

Employees shall be required to complete all necessary Family and Medical Leave Act documentation within the timelines provided under the law prior to any leave being approved as family and medical leave. All documentation and forms shall be available from the Human Resources Department. If the employee fails to complete and return all necessary Family and Medical Leave Act documentation, and the leave is such that would be covered as approved family and medical leave, the City may designate the leave as approved family and medical leave.

The City of Marion reserves the right to require an employee to provide recertification for the need for leave, depending on the amount of leave required.

The City of Marion reserves the right to require a copy of the covered service member's active-duty orders or other documentation issued by the military, which indicates the service member is on active duty or called to active-duty status and the dates of the covered service member's active-duty service. This information need only be provided to the City once.

### **Notice Requirements**

An employee requesting family and/or medical leave must give the City at least 30 days advance notice if the reason for the leave is foreseeable. If 30 days advance notice is not possible given the particular circumstances of the employee's request, the employee must notify the City as soon as is practicable – generally within one or two business days from the time when the employee first learns of the need for leave. Employees must make a reasonable effort to schedule foreseeable or planned leaves of absence so that they do not unduly disrupt the City of Marion's operations.

In those cases where the leave is foreseeable and the employee should provide 30 days advance notice but fails to do so, the employee shall provide a written explanation to the City why such notice was not practicable upon request from the City. Failure to provide notice when required may result in discipline to the employee.

If an employee returns from any period of absence which has not been designated as FMLA leave, and the employee wishes to have the leave counted as FMLA leave, the employee must notify Human Resources within two business days of returning to work that the leave was for FMLA reasons. Failure to provide this notice to Human Resources may prevent the employee from making any later request or claim that the



absence should have been covered by FMLA. Upon notification of the request for retroactively applied FMLA leave, Human Resources will evaluate the employee's request and, if necessary, provide the employee with the necessary notices as required by law.

### **Wages**

FMLA leave will be unpaid except as covered by any accrued sick leave, personal time, vacation time, holidays, and disability or workers' compensation benefits, if applicable. An employee who has available paid time off, including sick leave, personal time, vacation time, holidays, and disability or workers' compensation benefits will be required to use all appropriate paid leave concurrently with their FMLA leave. Employees are not required to use compensatory time concurrent with FMLA leave but may use it if they wish. When an employee has exhausted all available paid leave, the remainder of any FMLA leave will be without pay.

### **Continuation of Insurance Coverage and Fringe Benefits**

During the period of family and/or medical leave, the City of Marion will continue the employee's group health plan insurance at the same level and under the same conditions as if the employee had continued working with the City of Marion in their assigned position. Employees will be required to make arrangements with the City to pay their required shares of the cost of the health insurance premiums while on leave. If an employee does not return from FMLA, the City of Marion reserves the right, at its discretion, to recover the employer portion of the premiums it has paid to maintain the employee's health coverage. All seniority rights to which an employee is entitled shall accumulate during FMLA leave, provided the employee returns to work after the requested leave. Additional sick leave and vacation time shall accrue during the time that the employee is on paid leave but will not accrue if on unpaid leave. Full-time employees on paid leave will receive holiday pay when a holiday occurs. Employees on unpaid leave will not receive holiday pay.

### **Coordination with Other Forms of Leave**

FMLA leave is coordinated with other existing forms of leave as follows:

- If an employee's leave under the Iowa Code Chapter 85 (Workers' Compensation Benefits) also qualifies for FMLA leave, the workers' compensation leave will run concurrent to the employee's FMLA entitlement.
- When FMLA leave is used for the employee's serious health condition that is covered by Iowa Code Chapter 85 (Workers' Compensation Benefits), the employee may be entitled to paid leave pursuant to Iowa Code Chapter 85. An employee will not be required to use any accrued paid leave provided by the City if the employee receives paid leave under Iowa Code Chapter 85 but may supplement any such leave with paid leave pursuant to the City's workers' compensation policy.
- If an employee's Iowa Code Chapter 216 leave for pregnancy or pregnancy-related disability also qualifies for FMLA leave, the leave will be counted against the employee's entitlement for both purposes.

### **Return to Work After Family and/or Medical Leave**

An employee who qualified for FMLA and has been unable to work due to a serious health condition must provide the City of Marion with a written release to return to work from a healthcare provider before returning to work. Failure to provide that certification will result in the delay of the restoration of the employee's job and may result in the denial of the restoration of that employee's job. If the employee can perform the essential functions of their job, the employee will be restored to their former position, if that position is vacant, or one with equivalent pay, benefits and conditions of employment, provided the employee has complied with the requirements of this policy. If an employee's healthcare provider states

that the employee may return to work, but that they has certain restrictions which limit the employee's ability to perform certain essential job functions, then such work restrictions shall be analyzed with respect to the essential functions in order to determine whether or not a reasonable accommodation is possible.

Any employee who decides during the period of family and/or medical leave or following the completion of family and/or medical leave, that they will not return to work with the City of Marion, is asked to advise the City of this fact in writing immediately. If an employee fails to return to work after exhaustion of their 12 weeks of FMLA, that employee's employment may be terminated.

### **Termination of FMLA Leave**

An employee's FMLA leave and accompanying benefits will cease if any of the following occurs:

- The employee's employment with the City would have been terminated due to other factors, even if the employee had not taken FMLA leave.
- The employee informs the City of their intent not to return from leave in writing.
- The employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement.
- The employee fraudulently obtains FMLA leave.

### **Other Provisions**

**Exempt Employees:** Salaried executive, administrative, and professional employees of covered employers, who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under the FLSA regulations, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exemption to the "salary basis" requirements for FLSA's exemption extends only to an eligible employee's use of FMLA leave.

**Dishonesty:** Any deliberate misrepresentation resulting in the misuse of FMLA leave will subject employees to disciplinary action, up to and including termination.

**Enforcement:** It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information, visit the Federal Wage and Hour Division website: [www.wagehour.dol.gov](http://www.wagehour.dol.gov) and/or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243). This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

### **Section 4.07 – Parental Leave**

It is the policy of the City of Marion to grant parental leave upon the request of the employee for the birth of a child, or placement of a child with the employee for adoption or foster care. Employees may be granted parental leave under the following circumstances:

- The City will follow the FMLA with respect to allowing unpaid time off for an employee's serious health condition and/or birth and bonding following the birth, placement, or adoption of a child.
- Employees who take FMLA for their own serious health condition under all circumstances are required to use their sick leave concurrent with their FMLA leave.
- Employees who use FMLA leave for birth and bonding following the birth, placement, or adoption of a child shall be permitted to use their own sick leave for up to two weeks of the leave. This use of sick leave shall not exceed 80 hours for full-time employees. Following the allowable two weeks for sick leave applied to the FMLA leave, an employee shall use vacation, personal days, and holidays for time taken for birth and bonding pursuant to the FMLA.

#### Section 4.08 – Iowa Pregnancy Disability Leave

As required by the Iowa Civil Rights Act, an employee who is disabled because of the employee's pregnancy, childbirth, or related medical conditions will be granted an unpaid leave of absence during the period of the disability up to a maximum of eight weeks. This leave will be referred to as Iowa Pregnancy Disability Leave or Iowa "PDL." There is no minimum service requirement in order to use Iowa PDL.

An employee who wishes to use Iowa PDL must provide timely notice of the period of leave requested. Leave must be approved by the City in order for it to qualify as Iowa PDL. The City shall require medical certification verifying that the employee's disability results from pregnancy and that the employee is not able to reasonably perform the duties of employment.

If an employee's use of Iowa PDL also qualifies for the Family and Medical Leave, as described above, the leave will be counted against the employee's entitlement for both purposes.

An employee on an approved pregnancy or childbirth leave of absence may use accumulated sick leave, personal leave, vacation leave, and holiday leave during the leave. Employees may elect to use compensatory time if they wish to do so. After accumulated sick and vacation leave has been used, the balance of the employee's absence shall be without pay. If an employee's leave is unpaid the employee shall make arrangements with the City to pay the employee's portion of the employee's insurance premiums.

#### Section 4.09 – Unpaid Leave of Absence

On occasion, circumstances may arise which necessitate an employee's request for a leave of absence from work. An employee must exhaust all paid leave available to the employee prior to any request for unpaid leave being considered. The employee must make the request for an unpaid leave of absence in writing to the employee's department director. The employee's department director will make a recommendation to the Human Resources Department, who will approve or deny the request. If such a request is approved, that employee will not be compensated for the amount of time that is not worked. The City does not make contributions to retirement programs for the duration of the leave. An unpaid leave of absence may be granted for up to 30 days, as a longer leave will generally cause the City hardship; however, the City will review any requests for unpaid leave as a reasonable accommodation under the Americans with Disabilities Act as amended on a case-by-case basis.

If an unpaid leave is extended to more than 30 calendar days, benefits (i.e., vacation, sick leave, holidays, personal, etc.) shall stop accruing. Employees shall continue accruing seniority during a leave of absence. During a personal leave of absence, if the employee participates in group health insurance, the employee

shall continue to pay the employee's portion of the employee's health insurance premium. The employee shall make arrangements with Human Resources to have their portion of the health insurance premium paid by the 20th of the month. Failure to pay the entire amount of the premium owed by the employee in a timely manner shall result in termination of coverage.

If the employee does not return by the approved date, termination of employment or other disciplinary action may result.

#### Section 4.10 – Bereavement Leave

In the event of death in the family of an employee, including permanent part-time employees, the employee shall be granted an adequate leave of absence up to three days with full pay to make household adjustments or to attend funeral service. Bereavement leave can be utilized on an hourly basis. For the purpose of this article, the employee's family shall include the following relatives of the employee and their spouse: child, stepchild, spouse, mother, stepmother, father, stepfather, sister, stepsister, brother, stepbrother, grandparent, step-grandparent, grandchildren, step-grandchildren, and legal dependents of the employee and those of the employee's spouse. This leave also applies only to the employee's aunt, uncle, first cousin, legal dependents and anyone residing in the house of the employee but not those of the employee's spouse. The terms brother and sister shall include a brother and sister of the half-blood relationship. Bereavement pay is calculated based on the base pay an employee would otherwise have earned had the employee been scheduled to work on the day of absence.

#### Section 4.11 – Employee Volunteer Time Policy

An employee cannot volunteer or be a member of a civic organization if it uses the City's time, facilities, equipment, or the City's badge, uniform, business card, or other evidence of employment to give that employee or a member or their family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public.

Prior to an employee engaging in volunteer or civic activities on City time, the employee must submit a request to the department head. The department head shall review the request and determine if the activity serves a public purpose rather than a private purpose. If the activity serves a public purpose, interpreted broadly to meet the challenges of increasingly complex social, economic and technological conditions, then the City Manager may approve the activity. Under no circumstances shall the City Manager or department head approve an employee's participation in a religious or political activity using City time or resources, however, employees are free to participate in any such activities on their own time using their own resources.

City Requirements of paid volunteer time:

- 1) Volunteer time should not conflict with the peak work schedule, other work-related responsibilities, create need for overtime, or cause conflicts with other employees' schedules.
- 2) Time away from work for volunteering purposes may occur during the employee's regular work hours.
- 3) The volunteer services must be outside of those normally performed in the employee's job, not result in compensation to the employee and must not exceed four hours of absence from their job.
- 4) Employees will be provided with four hours of volunteer time each calendar year. Any unused hours will not carry over to a new calendar year.

- 5) Department directors will be responsible for tracking volunteer time of their employees to ensure it is being used in accordance with this policy and not in excess of four hours per calendar year.
- 6) Volunteer time will be treated as miscellaneous pay (MISC pay).

Employees must submit a Volunteer Request Form to their supervisor and get it signed by both their supervisor and department director at least one week prior to the volunteer activity.

The employee must bring a copy of the Volunteer Request Form to the volunteer event and have it signed by a representative of the organization for which they are volunteering. This must be submitted to the employee's supervisor the next workday following the volunteer event.

If an employee violates this policy, they may have future volunteer leave time taken away or receive further discipline at the discretion of the department director.

### Section 4.12 – Military Leave

Employees, except for employees who are employed temporarily for six months or less, who serve in the United States Armed Services, Reserves or National Guard, are entitled to leaves of absence for required training or active military duty in accordance with Chapter 29A, Code of Iowa. These employees, when ordered to active duty or service, are entitled to a leave of absence without loss of status or efficiency rating and without loss of pay during the first 30 days of such leave of absence. Any amount of military leave taken during any part of an employee's scheduled workday, regardless of the number of hours taken, shall count as one day toward the 30 calendar days without loss of pay. Any leave required beyond the 30 days will be reported as unpaid military leave unless the employee chooses to use accrued vacation, personal days, or compensatory time in lieu of unpaid military leave. Pursuant to § 4316(d), an employee cannot be forced to use vacation time for military service.

An employee's eligibility for re-employment with the City after completing military service will be determined in accordance with applicable state and federal law. Conditions for re-employment are briefly explained as follows:

- A. The employee, or an appropriate officer of the uniformed service in which the employee serves, must give advance written or verbal notice of the employee's service to their immediate supervisor unless military necessity prevents the employee from giving notice or it is otherwise impossible or unreasonable;
- B. The cumulative length of the absence and all previous absences from the employee's employment with the City for reason of military service must not exceed five years, except in certain instances as required by law;
- C. The employee's discharge from military service must be honorable, and
- D. When the employee returns from military service, the employee must report to work or submit a timely application for re-employment according to the following schedule:

For service of less than 31 days the employee must report to work by the beginning of their first regularly scheduled workday that would fall eight hours after the employee returns home; however, the employee shall be permitted travel time and an eight-hour rest period. For service of 31 to 180 days the employee must apply for re-employment within 14 days after completing service. For service

of 181 days or more the employee must apply for re-employment no later than 90 days after completing service.

Employees on leave for military service and any of their dependents entitled to coverage under the City's health insurance plan are entitled to coverage as follows:

- A. An employee who is on military leave of absence for less than 31 days is entitled to continued health insurance coverage and will not be required to pay more than what an active employee would pay for coverage.
- B. An employee that is on military leave of absence for more than 30 days is allowed to elect to receive continued coverage under the City's health insurance plan for up to 24 months following separation from employment or until the employee's re-employment rights expire, whichever event occurs first. The City may require the employee to pay up to 102% of the premium under this circumstance through COBRA.
- C. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the employer. Employees should contact their pension administrator for information regarding their military leave provisions.

Any compensation paid to an employee on military leave will be paid on the regularly scheduled pay dates.

### Section 4.13 – Jury Duty, Voting and Court Leave Policy

**Jury Duty Leave:** Full-time employees shall be granted a leave of absence with pay for the time they are required to report for jury duty. Employees shall retain daily pay for services. The employee will pay to the city any remuneration for lost time paid by the court.

**Voting Leave:** Generally, employees are able to find time to vote either before or after their regular work schedule. However, if a full-time employee does not have three consecutive hours off of work while the polls are open to vote, the full-time employee may request paid time off to vote. Employees should request time off to vote from through their supervisor in writing at least one day in advance of the election day. Advance notice is required so that necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. The City shall not penalize the employee or make deductions from the employee's regular salary or wages on account of such absence.

**Court Leave:** Employees required or subpoenaed to appear before a court or other public body or to testify at a deposition on any matter related to their work, except in the below-described situation where the employee is suing the City and/or its employees/officers in their official capacity, shall be granted a leave of absence with pay for the time they are required to report for said court appearance or deposition. If an Employee is named in a lawsuit in their official capacity as a City of Marion Employee, the Employee shall notify their supervisor and the City Attorney immediately. Employees required or subpoenaed to appear before a court or other public body or to testify at a deposition on any matter not related to their work shall be permitted to use vacation or personal time or should be granted an unpaid leave of absence to attend Court time. Under no circumstances shall the City pay an employee who is subpoenaed or otherwise required to appear in court in a matter where that employee has sued the City or its officers/employees in their official capacity.

## Section 5 – Employee Relations

### Section 5.01 – Performance Evaluations

It is the policy of the City of Marion to ensure that City revenues are appropriately spent on wages by periodically evaluating the job performance of each employee. This procedure is also designed to improve the City workforce.

The job performance of each employee shall be evaluated by their supervisor at least once a year. Employees in their introductory period shall be evaluated at the end of the introductory period of six months. The evaluations shall be conducted privately between the employee and the supervisor at the time and place designated by the department head.

Performance criteria will be determined by the employee and their supervisor.

Measurement criteria will be established. Individual goals may be established within each department for employees. Departmental goals may be linked to employee evaluations as determined by the department and shall support the annual City strategic plan. Changes in the criteria may be made throughout the year to reflect changes in conditions or priorities.

Each employee shall receive a written copy of the results of the evaluation. The form of the evaluation shall be prescribed by Human Resources and the City Manager. The employee will be asked to sign the evaluation to indicate that they have discussed it with their department director. A refusal to sign the evaluation shall be so noted on the form.

A portion of the evaluation shall consist of designating areas where improvement is needed. At the time of the next evaluation, the evaluator shall note whether improvement has been achieved in those areas. The evaluation shall become a part of the employee's personnel file.

In addition to the above, supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, routine basis.

### Section 5.02 – Disciplinary Practices and Procedures Policy

Certain rules and regulations governing the conduct of employees must be adhered to by all employees in order to ensure safe, efficient, and successful operation of City functions.

To ensure a safe, efficient, and effective working environment, City employees shall adhere to City and departmental rules regarding appropriate conduct on the job. It may sometimes be necessary for a supervisor to take disciplinary action with an employee, and the City is committed to a policy of progressive discipline. Progressive discipline is defined as a series of disciplinary measures, ranging from employee counseling to discharge of an employee, designed to effectively correct problems as they occur and to let an employee know if their conduct is inappropriate.

The following are the steps of the City's progressive discipline system. Depending upon the seriousness of the infraction as determined by management, progressive discipline may be escalated to any step up to and including termination. Administration of one step of discipline shall not preclude the City from administering another of the disciplinary steps for the same infraction, nor is administration of a lesser step

a condition precedent to administration of more severe disciplinary steps for the same or subsequent inappropriate acts by the employee.

The following are steps in normal progressive discipline. However, depending on the seriousness of the infraction, discipline might begin at any step in the process.

**1) A report of employee counseling**

- Employee counseling is when a supervisor advises an employee of a specific infraction and requests specific corrective action. The employee counseling shall take place as quickly as possible following the infraction and shall take place in private, whenever possible.
- The supervisor shall prepare a written report of employee counseling as quickly as possible following the counseling session.
- The supervisor shall request that the employee sign the report and if the employee refuses, the supervisor shall indicate in the report that the employee was given the opportunity to sign but refused to do so.
- The employee shall receive a copy of the report.
- The report of employee counseling shall be retained in the departmental records but shall not be included in the employee's personnel file unless a reprimand is subsequently issued per section two below.

**2) A reprimand**

- A reprimand is a written statement of an employee's infraction, which identifies the infraction and required corrective action. The reprimand shall be given as soon as possible after the infraction.
- The original copy of the reprimand shall be placed in the employee's personnel file at City Hall, and the employee and the departmental file shall each receive a copy.
- The supervisor shall request that the employee sign the report, and if the employee refuses, the supervisor shall indicate in the report that the employee was given the opportunity to sign but refused to do so.
- The report of employee counseling shall also be put in the employee's personnel file (if counseling was the first step in this case).
- An employee's signature on the reprimand does not necessarily indicate that they agree with what is stated thereon; the signature documents that the matter was discussed with the employee.

**3) Suspension with or without pay**

- An employee may be suspended with or without pay after notice and hearing. The length of the suspension will vary and will be determined by the department head in consultation with Human Resources.
- The notice of intent to suspend or discharge and the notice of suspension or discharge shall be completed in triplicate. The original shall be placed in the employee's personnel file, and the employee and the department head shall each receive a copy.
- The above provisions do not authorize the suspension, without pay, for any employee who is exempt from the provisions of the Fair Labor Standards Act overtime pay requirements due to the employee's status as being employed in an executive, administrative or professional capacity, unless the suspension is for a period of time of one or more full days. Unpaid suspensions for less than a full day are authorized for said employees only in the same case as penalties, imposed in good faith for infractions of safety rules of major significance.

**4) Discharge/Termination**

- An employee may be discharged after notice and hearing.



- Discharge must be determined by the department head in consultation with the City Manager and Human Resources.

### Appeals

Employees have the right to appeal any disciplinary action pursuant to this policy when union grievances are not applicable and when appeal to the Civil Service Commission is not available.

An employee's disciplinary records may be a public record pursuant to Iowa Code Sections 22.7(11) and 22.15.

The following is a list of acts that may be subject to disciplinary action, up to and including termination; this list is not all-inclusive.

- Falsification of City records.
- Willful destruction, deliberate misuse, or intentional neglect of City property.
- Unauthorized use or possession of City property.
- Unauthorized possession of dangerous items, including knives, firearms, or explosives while on duty and/or in the workplace. However, this provision does not apply to police officers while on duty and lawfully fulfilling their law enforcement responsibilities.
- Failure to perform the task assigned by the City.
- Unexcused absenteeism or tardiness.
- Giving a false excuse for an absenteeism for which pay is received.
- Insubordination.
- Failure to observe safety rules.
- Failure to report a workplace or work-related accident or injury.
- Fighting with another person while on duty, including loud verbal fighting.
- Consumption of non-medically prescribed controlled substances or alcohol while on duty or reporting to work under the influence of non-medically prescribed controlled substances or alcohol.
- Possession, distribution, sale, transfer or use of illegal controlled substances, look-alike drugs and drug paraphernalia, or misuse of legal or prescription drugs in the workplace, on City premises or work sites (on or off duty) or while operating City-owned vehicles or equipment. However, this provision does not apply to police officers while on duty and lawfully fulfilling their law enforcement responsibilities.
- Possession or use of alcohol in the workplace, on City premises or work sites (on or off duty) or while operating City-owned vehicles or equipment, except as specifically provided in the substance abuse policy of this Employee Handbook. However, this provision does not apply to police officers while on duty and lawfully fulfilling their law enforcement responsibilities.
- Unauthorized disclosure or use of confidential City information.
- Unauthorized time away from workstation, including extending lunch or break times.
- Sleeping on the job during working hours.
- Refusal to obtain proof of continued ability to work when so requested.
- Making false statements or withholding required information on employment application.
- Violation of departmental rules, regulations, policies, and procedures.
- Violation of any safety rule, practice, or procedure.
- Refusal or failure to answer questions in an internal investigation.
- Violation of City discrimination, harassment, or retaliation policies, including failure to report violations of the policy when the employee is aware of such violations.
- Use of abusive language.

- Conduct that disrupts work activities.
- Neglect of duty, disobedience, or misconduct.
- Unsatisfactory work performance, including holding back, hindering, or limiting production, misuse of company time, incompetence, negligence, or inefficiency.
- Theft or unauthorized removal or possession of City property or the property of another person or entity, including customers or clients. Permission must be obtained prior to removal of any materials or equipment from the premises.
- Dishonesty or lying, including falsification or submission of false information on employment application or other records, including timecards.
- Threatening bodily injury to another, horseplay, or immoral conduct.
- Gambling on City property.
- Making untruthful or malicious statements about another employee.
- Failure to maintain or keep necessary certifications or credentials.
- Failure to maintain necessary licenses and insurability, either from accidents both on and/or off the job.
- Solicitation in work areas during work time.
- Discourteous treatment of any kind to members of the public.

### Section 5.03 – Nondiscrimination/Anti-Harassment Policy and Complaint Procedure

The City of Marion is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the City of Marion expects that all relationships among persons in the office will be business-like and free of explicit bias, prejudice, discrimination, and harassment.

The City of Marion has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The City of Marion will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with Human Resources.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of the City of Marion prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

#### **Equal employment opportunity**

It is the policy of the City of Marion to ensure equal employment opportunity without discrimination or harassment on the basis of race (including hairstyle/texture), color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information,

pregnancy, military or veteran status, or any other characteristic protected by law. The City of Marion prohibits any such discrimination or harassment.

### **Retaliation**

The City of Marion encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City of Marion to promptly and thoroughly investigate such reports. The City of Marion prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation is punishing an employee by demoting them, terminating them, or changing their work conditions in a material way because the employee made a good faith report of discrimination or harassment or because the employee participated, in good faith, in an investigation into discrimination or harassment. The City will not tolerate retaliation.

### **Sexual harassment**

Sexual harassment constitutes sex-based discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different genders. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors, sexual jokes and innuendo, verbal abuse of a sexual nature, commentary about an individual's body, sexual prowess or sexual deficiencies, leering, whistling, or touching, insulting or obscene comments or gestures, display in the workplace of sexually suggestive objects or pictures, and other physical, verbal, or visual conduct of a sexual nature.

### **Harassment**

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race (including hairstyle/texture), color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, pregnancy, military or veteran status, or any other characteristic protected by law, or that of the employee's relatives, friends or associates, and that:

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment,
- b) has the purpose or effect of unreasonably interfering with an individual's work performance, or
- c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping, threatening, intimidating or hostile acts, denigrating jokes, and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

### **Individuals and conduct covered**

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to the City of Marion (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

### **Reporting an incident of harassment, discrimination, or retaliation**

All employees are expected to take an active part in developing a workplace free of discrimination, harassment, and/or retaliation. If an employee believes they are subject to any form of harassment or observes/hears about any form of harassment, the employee should use the complaint procedure outlined in this Employee Handbook. In addition, the City of Marion encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The City of Marion recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Supervisory employees have an additional responsibility to enforce this policy when aware of discrimination, harassment, and/or retaliation, including when the party the conduct is alleged against is another supervisor or not employed by the City.

### **Complaint procedure**

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, department head, Human Resources Manager, or City Manager.

The City of Marion encourages the prompt reporting of complaints or concerns to provide an opportunity to address the concerns. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The City of Marion will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the City of Marion believes appropriate under the circumstances and in accordance with the investigation results.

If a party to a complaint does not agree with its resolution, that party may appeal to the City Manager.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

## Section 5.04 – Complaint and Investigation Procedure

### **Filing a compliant**

Any employee who feels they are being subjected to discrimination, harassment and/or retaliation should immediately contact one of the persons listed below with whom the employee feels the most comfortable.

Complaints may be made orally or in writing to:

- Employee’s supervisor and/or department head
- Human Resources Manager or Director

If an employee is not comfortable with either of the above options, the complaint may be made to the Deputy City Manager or City Manager.

The employee should be prepared to provide the following information:

- Employee’s name, department, and position title.
- Name of the person or persons committing the conduct.
- Date(s) and approximate time(s) of the conduct.
- The specific nature of the conduct, how long it has gone on, and any employment action (demotion, failure to promote, termination, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against them as a result of the harassment.
- Witnesses to the conduct, if any.
- Whether the employee has previously reported such conduct and, if so, when and to whom.

After receiving a complaint about discrimination, harassment and/or retaliation, the person receiving the complaint shall document the complaint in writing. The employee may be requested to sign the written complaint attesting to the accuracy and truthfulness of the incident.

If the complaint is not made to the Human Resources Department, the recipient of the complaint shall immediately contact the Human Resources Department and present the complaint in writing.

All information disclosed in the complaint procedure will be treated as confidential and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.

If an employee witnesses or otherwise becomes aware of another employee being subject to discrimination, harassment, and/or retaliation the employee shall report such discrimination, harassment, and or retaliation using the procedure described above.

### **Investigation of complaints of discrimination, harassment and/or retaliation**

It is the Human Resources Manager’s responsibility to coordinate the investigation of discrimination, harassment and/or retaliation complaints. If the Human Resources Manager is the subject of the complaint, the City Manager may appoint another impartial investigator to conduct the investigation. The following procedures shall apply to the investigation of such complaints:

- 1) The person to whom the complaint is made shall immediately present it in writing to the Human Resources Manager.
- 2) If it will not compromise the integrity of the investigation, the City Manager or the Human Resources Manager shall notify the City Council that a complaint has been made and that an investigation will be occurring pursuant to the City's policies. Any such notification is a confidential personnel matter and shall not be shared.
- 3) The Human Resources Manager may name an impartial investigator who shall promptly begin the investigation. If it will not compromise the integrity or efficiency of the investigation, the Human Resources Manager may name themselves as the independent investigator.
- 4) The investigator shall meet with the complainant and the respondent, as well as any witnesses who may assist in the investigation.
- 5) The investigator shall notify the respondent of the allegations against them unless immediate notification would jeopardize the investigation or result in a safety concern. For investigations involving law enforcement or first responders the investigator shall consult the Iowa Peace Officer Bill of Rights for compliance with that law.
- 6) The respondent shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on their behalf.
- 7) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by all persons interviewed about the unlawful conduct.
- 8) The investigative report shall provide whether the complaint of discrimination, harassment and/or retaliation is a violation of law and/or this policy and whether it is substantiated or not. This determination shall be made in writing. In making that determination, the independent investigator shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred. The independent investigator shall use the preponderance of the evidence standard in determining whether the complaint about the conduct is substantiated or not substantiated.
- 9) If the investigator determines the complaint is substantiated, the decision maker with respect to the respondent's employment status (including discipline and/or termination decisions) shall determine the appropriate disciplinary measures depending upon the nature and severity of the behavior. The decision maker shall take appropriate measures intended to not only discipline the offender but which are reasonably calculated to prevent further discrimination, harassment, or retaliation in the future.
- 10) This determination shall include whether a supervisory relationship exists, and any other factors the decision maker believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. Upon the conclusion of the investigation, the Human Resources Manager or designee shall notify the complainant and respondent of the determination (substantiated or not substantiated). If any disciplinary measures are implemented, they are confidential personnel matters which shall not be disclosed to any employees. The Human Resources Manager or designee shall notify the complainant and respondent that retaliation will not be tolerated and that if the complainant experiences retaliatory conduct, the complainant should report it to the Human Resources Manager or designee.

- 11) Upon the conclusion of the investigation, the Human Resources Manager or designee shall notify the witnesses that the matter has concluded, and that if they experience retaliatory conduct, to promptly report it to the Human Resources Manager or designee.
- 12) If the decision maker determines after reviewing the investigation report that the complainant did not make the complaint in good faith or otherwise falsified the complaint, the decision maker with respect to the complainant's employment status, as appropriate, shall determine the appropriate disciplinary measures depending upon the nature and severity of the behavior.

### Section 5.05 – Complaint/ Grievance Resolution (Unrelated to Discrimination, Harassment, or Retaliation)

The City believes in and strives to promote an atmosphere of trust, cooperation, and respect with our employees. To achieve this goal, the City maintains an open-door policy that is intended to encourage open communications and to quickly settle differences, misunderstandings, or complaints. For complaints or grievances unrelated to discrimination, harassment, or retaliation, the City encourages employees to have initial contact with the employee's immediate supervisor, and, if that is unsuccessful, to work through the employee's chain of command through the employee's department head. If the employee is not satisfied with the employee's supervisor's or department head's response or is uncomfortable having the initial contact with their supervisor or department head, the employee should speak to the Human Resources Department, who will work with the employee to get the issue resolved.

## Section 6 – Safety & Wellness

### Section 6.01 – Safety Policy

It is the policy of the City of Marion to ensure that employees are provided with a safe working environment.

Employees shall be provided with copies of city safety rules and shall be required to sign a receipt for said rules. Employees shall abide by the safety rules. A failure to comply with safety rules may result in disciplinary action, up to and including termination. A failure to report a violation of the safety rules may result in disciplinary action, up to and including termination.

See the City of Marion Safety Rule book for specific policy details.

### Section 6.02 – Drug-Free Workplace Policy

It is the policy of the City of Marion to provide and maintain a drug-free workplace for all City employees. This policy is in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690 Title V Subtitle D).

- 1) The City recognizes the following:
  - a. City employees are a valuable resource to the residents they serve and the City of Marion as an employer.
  - b. The use of illegal drugs or abuse of controlled substances or alcohol in the workplace is detrimental to City employees.
  - c. Employees have a right to work in a drug-free environment and to work with persons free from the effects of drugs and alcohol.
  - d. Drug and alcohol abuse in the workplace interferes with and reduces the operational efficiency of City government and undermines the public's trust in its functions.
- 2) The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on the employer's premises or while in a City vehicle, vessel, aircraft or while conducting the employer's business is prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences.
- 3) The City recognizes drug and alcohol dependency as illnesses and a major health problem. The City also recognizes drug and alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Mercy Employee Assistance Program (EAP) located at 5264 Council Street N.E., Cedar Rapids, Iowa. The telephone number is (319) 398-6694. The City has contracted with Mercy Hospital to provide this EAP for city employees.
- 4) In order to comply with the Drug-Free Workplace Act of 1988, employees of a grantee directly engaged in the performance of work pursuant to the provisions of the grant are required to report any conviction under a criminal drug statute for violations occurring on the employer's premises or off of the employer's premises while conducting City business. A report of a conviction must be made to the employee's supervisor and to the City Manager within five days after the conviction.
- 5) Compliance with the terms and reporting requirements of this policy is required as a condition of employment for all employees.



### Section 6.03 – Drug & Alcohol Policy

The City of Marion has a vital interest in the safety and well-being of our employees as well as the general public. It is well recognized that individuals who use illicit drugs or abuse alcohol are more likely to have workplace accidents, incur greater amounts of lost time and perform their jobs in a substandard manner.

Therefore, it is the City of Marion's intent to continue to promote a safe and secure work environment, free of illicit drug use and alcohol abuse. It is also the City's intent to comply with all U.S. Department of Transportation rules and regulations (49 CFR Part 40), the Drug-Free Workplace Act of 1988, the Americans with Disabilities Act and the Family and Medical Leave Act.

While this policy applies to all City employees, specific portions of this policy apply only to those employees who hold a commercial driver's license (CDL). Those portions of this policy apply to City employees required to have a CDL per their job description and as an essential function of their job and all applicants for employment for positions that require a CDL per applicable job description and as an essential function of their job.

Any questions or concerns regarding this drug and alcohol policy shall be directed to Human Resources, as the Designated Employee Representative ("DER"), Lucas Sperfslage, at (319) 743-6329.

This policy complies with federal and state law governing drug and alcohol testing and, in the event it does not comply, federal and state law shall supersede this policy.

#### **Definitions**

**SAFETY-SENTITIVE EMPLOYEE:** A safety-sensitive employee is an employee working in a position wherein an accident or an error could cause the loss of human life, serious bodily injury, or significant property or environmental damage, including a position with duties that include immediate supervision of a person in a job that meets the requirements of this paragraph. The City's Human Resources Department maintains a list of safety-sensitive positions. This list includes part-time safety-sensitive employees. Public safety employees are covered under their collective bargaining agreements and/or internal policies.

**REASONABLE SUSPICION DRUG AND ALCOHOL TEST:** Drug or alcohol tests based upon evidence that an employee is using or has used alcohol or other drugs in violation of this written policy. Evidence in support of such a violation is drawn from specific objectives, contemporaneous and articulable facts, and reasonable inferences drawn from those facts in light of training and experience. For the purposes of this paragraph, facts and inferences may be based upon, but are not limited to, any of the following:

- 1) Observations while at work, such as direct observation of alcohol or drug use or abuse or physical symptoms or manifestations of being impaired due to alcohol or drug use as described in the educational materials provided to employees.
- 2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- 3) A credible source's report of alcohol use or the use of drugs. The Human Resources Department will have the final determination of who is a credible source.
- 4) Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the City.
- 5) Evidence that an employee has caused an accident while at work which resulted in an injury to a person or an accident that resulted in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed \$1,000.

- 6) Evidence that an employee has manufactured, sold, distributed/solicited, possessed, used or transferred drugs while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
- 7) The employee's statement or admissions of drug use while the employee is a City employee.

For employees with CDL licenses, reasonable suspicion shall be limited to determinations made by supervisors trained to identify reasonable suspicion pursuant to federal law and the training provided to those supervisors. To the extent that training conflicts with the above definition, the training shall supersede those portions of the definition.

**POSITIVE TEST:** An employee tests positive for drugs if any trace of an illegal substance is detected following a drug test. An employee tests positive for alcohol if the employee has a blood alcohol concentration equal to or greater 0.04%. A refusal to test is also considered a positive test.

**ILLEGAL DRUGS/SUBSTANCES:** Any substance that is illegal by law has not been legally obtained or which cannot be legally obtained. This includes prescription medication for which the employee does not have a prescription and/or is not taken according to the prescription.

**Prohibited conduct for all employees:**

- Using, being under the influence of, or possessing illegal drugs.
- Using or being under the influence of legal drugs that are being used illegally.
- Using or being under the influence of legal drugs whose use can adversely affect the ability to work safely.
- Buying, selling, soliciting to buy or sell, transporting or possessing illegal drugs while on City time or property.
- Using alcohol within four hours of performing a safety-sensitive function.
- Using or being under the influence of alcohol at any time while on duty, eight hours following any on-the-job accident, or until tested when a test is pending pursuant to this policy.
- Possessing any amount of alcohol (including medications or over-the-counter remedies containing alcohol) while on duty.
- Testing positive for drugs and/or alcohol.
- Refusing to be tested for drugs and/or alcohol.
- Refusing to submit to testing as directed by the City.
- Failing to stay in contact with the City and its medical review officer (MRO) while awaiting test results.

An employee who violates these prohibitions will be subject to disciplinary action by the City up to and including discharge. In addition, any employee who is convicted by the judicial system of a felony for a drug- or alcohol-related matter will be subject to disciplinary action up to and including termination. Applicants for initial hire whose pre-employment drug testing results are confirmed positive will be deemed to have failed the pre-employment requirements and the offer will be rescinded.

**Notification (All Employees)**

- 1) The City will notify applicants of this drug and alcohol testing policy at the time of the applicant's first interview. Applicants will sign a form acknowledging receipt of these materials.
- 2) The City will provide all employees with drug and alcohol education, including the effects of drugs and alcohol, signs and symptoms of drug and alcohol use, assistance available for those

abusing drugs and alcohol, drugs and alcohol to be tested, and drug and alcohol testing requirements.

- 3) All drug testing results, and other confidential information will be kept confidential.
- 4) Compliance with the City's Drug and Alcohol Policy is a condition of employment. Failure or refusal of an employee to cooperate fully or submit to any inspection or drug test as provided will be grounds for termination.
- 5) Employees should contact Human Resources for more information on the drug testing procedures adopted by the City.

### **Training for employees holding a CDL License as a requirement of their employment**

Education will be provided to employees holding a CDL license as a requirement of their employment regarding the effects of drugs and alcohol, signs and symptoms of a drug or alcohol problem, information on assistance available for abuse problems and testing requirements. Such information shall be provided at the time the employee receives this policy statement.

The City shall provide training to all persons designated to supervise employees holding a CDL license as a requirement of their employment. The City shall provide said supervisors with 60 minutes of training on alcohol misuse and 60 minutes of training on controlled substance use. This training is used to ensure that supervisors have the tools to determine whether or not reasonable suspicion exists to require a driver to undergo reasonable suspicion testing, including training on the physical, behavioral, speech and performance indicators of probable alcohol misuse and controlled substance use. This training shall comply with the requirements of the Federal Motor Carrier Safety Act.

The City may also provide reasonable suspicion training to those employees who supervise safety-sensitive employees who are not required to hold a CDL license as a requirement of their job.

### **Drug testing procedures**

Drug and alcohol testing shall require the employee to present a reliable form of photo identification to the person collecting the sample. The City will designate the drug testing provider and/or local collection facility. Personnel utilized for testing will be certified as qualified to collect urine and or other samples and be adequately trained in the collection process. In conducting drug or alcohol testing pursuant to this policy, the laboratory, the Medical Review Officer, and the City shall ensure, to the extent feasible, that the testing records maintained by the City show only such information required to confirm or rule out the presence of prohibited alcohol or drugs in the body. The City will designate the type of testing to be performed on the sample collected.

All specimens shall be divided into two samples in the event a specimen is positive. If that occurs, at the employee's request, the second portion of the sample will undergo an additional test to confirm the initial result. The second test shall be at the employee's cost of \$150, which shall be prepaid to the City. If the second test is reported as negative, the employee will be reimbursed the \$150 by the City.

The drug screening tests selected shall be capable of identifying every major drug likely to be abused, including, but not limited to, marijuana, cocaine, phencyclidine (PCP), opiates, codeine/morphine, amphetamines, AM (heroin), hydrocodone/hydromorphone, and oxycodone/oxymorphone.

### **Required testing for employees holding a CDL license as a requirement of their employment**

Federal law requires that the City test for drugs and alcohol for all CDL employees who operate a Commercial Motor Vehicle ("CMV"). This includes all employees who operate a CMV, even if the employee

does not regularly operate a CMV. If an employee is covered by more than one DOT testing agency, the employee shall be tested based on the tasks they perform the majority of the time. These employees are engaged in safety-sensitive functions throughout the entirety of their workday including, but not limited to, driving, performing required pre- and post-trip checks on vehicles, and performing maintenance on vehicles. The City conducts all required drug and alcohol testing in accordance with state and federal law.

**Pre-employment/prior to transfer** – A preemployment drug test with a negative result must be received before permitting a CDL driver to operate a CMV. This test will be conducted before applicants are transferred or hired or after an offer to hire, but before actually performing safety-sensitive functions. In addition, a preemployment drug test with a negative result must occur for a driver who has been removed from a DOT random testing pool for more than 30 days.

**Post-accident** - A CDL licensed CMV driver engaged in a safety-sensitive function at the time of an accident must submit to a drug and alcohol test as soon as practicable following an accident if the accident involved the loss of human life or if the driver was cited: (a) within eight hours of the accident for alcohol, or (b) within 32 hours of the accident for drugs, under state or local law for a moving traffic violation if the accident: (i) involved bodily injury to any person causing that person to receive medical treatment away from the scene of the accident; or (ii) one or more motor vehicles incurred disabling damage as a result of the accident requiring it to be removed by tow or other motor vehicle.

Employees are prohibited from using or being under the influence of alcohol at any time while on duty, eight hours post-accident or until tested post-accident. A driver who has submitted to a post-accident test will, at the City's discretion, either be assigned to a non-safety sensitive function or be placed out of services pending the results of the testing.

A driver testing positive or who refuses to submit to a post-accident drug and alcohol test will be subject to disciplinary action up to and including discharge.

**Random Testing** - Random testing of drivers/employees is required under DOT regulations and/or City policy and these tests must be unannounced. Random selection must ensure every driver will have an equal chance of being selected each time. A driver will be notified of their selection and instructed to report to the collection site immediately.

**Reasonable Suspicion** - CDL licensed CMV drivers who appear to be under the influence of drugs or alcohol are subject to immediate drug and alcohol testing. The determination that reasonable suspicion exists will be based on specific, contemporaneous, articulable, observations concerning the appearance, behavior, speech, or body odors of the driver. Observations must be personally observed and documented by at least one trained City official. A "trained official" is one who has undergone at least two hours of education, which includes behavior, physical, speech and performance indicators of possible drug and alcohol use.

Whenever a driver/employee is notified a reasonable suspicion to be tested, they will be expected to immediately report to the collection site. The driver/employee will be transported by a City representative to the collection site. The City representative will transport the driver/employee home or attempt another means of transportation by contacting a family member or another person designated by the driver. If the driver/employee refuses alternate transportation, the City reserves the right to take whatever means are appropriate to protect the driver/employee and

public. This may include contacting local law enforcement and imposing disciplinary action, up to and including termination.

The driver/employee being tested under reasonable suspicion will be considered unqualified to work and at the City's discretion and either be assigned to a non-safety sensitive function or be placed out of service, pending the results of the testing. In addition to the penalties imposed by IDOT, a driver/employee whose reasonable suspicion test is positive, who refuses or fails to submit to a test, will be subject to disciplinary action, up to and including termination. This policy outlines disciplinary action which will be taken in the event of a positive drug or alcohol test. Refusal to test is also considered a positive test by federal law.

**Return-to-duty testing:** A CDL driver with a verified drug and/or alcohol program violation is prohibited from performing safety-sensitive functions until the return-to-duty testing (RTD) is complete. An employee must be evaluated by a substance abuse professional (SAP) and complete any treatment deemed necessary by the SAP prior to taking the return-to-duty test. The City is not obligated to reinstate or rehire any driver/employee who has been discharged for violating any DOT or City prohibition or requirement concerning drugs and alcohol. Should the City decide to reinstate a driver/employee, they will be required, at their own expense, to submit and pass a drug and alcohol test before returning to duty. The driver/employee must also be evaluated by a substance abuse professional and submit to follow-up testing as prescribed by the substance abuse professional, all of which will be paid for by the driver/employee.

**Follow-up testing:** The requirements for follow-up testing must be performed in accordance with 49 CFR part 40, Subpart O. Once the SAP has determined the employee is eligible to return to work, the RTD test will be administered. The RTD test must be administered under direct supervision. In addition, unannounced follow-up tests may be required as directed by the SAP. The driver/employee will be required to submit to a minimum of six tests during the first 12 months following return to duty and may be extended up to 60 months. All follow-up testing will be unannounced and without prior notice to the driver/employee and at the driver's expense. In addition to penalties imposed by DOT, a driver/employee whose return to duty/follow-up test is positive, refuses or fails to submit to a test will be subject to disciplinary action, up to and including discharge.

Pursuant to state and federal regulations, employees testing above 0.02, but lower than 0.039, may not perform a safety-sensitive job function for twenty-four (24) hours after a positive test or a positive confirmation test, whichever occurs later, according to federal law. An employee testing between 0.02 and 0.039 may be assigned to non-safety sensitive duties at the option of the employee's supervisor.

If non-safety-sensitive duties are not available, the employee's supervisor will order and arrange for alternate transportation home for the employee. The City will first contact the employee's emergency contact and then, if the emergency contact is unavailable, will resort to other safe drivers. If the employee refuses alternate transportation, the employee will be subject to disciplinary action up to and including termination of employment for failure to follow a reasonable order of the supervisor. The employee, when sent home may use personal or vacation leave, compensatory time or unpaid leave. The use of sick leave will not be allowed.

## Required Testing for All Other Employees

**Prospective employee testing:** All prospective, safety-sensitive employees who have been extended a conditional offer of employment with the City shall be informed that a condition of employment includes passing a drug test as part of the pre-employment process. If a prospective, safety-sensitive employee refuses to take a pre-employment drug test when scheduled or tests positive for a substance, that employee is ineligible for City employment for one calendar year from the date of the drug test. If an employee is transferred to a safety-sensitive position, drug and alcohol testing under this policy is a condition of the transfer.

**Reasonable suspicion testing:** When any supervisor or manager has reasonable suspicion that a City employee is under the influence of drugs or alcohol while on duty, or otherwise violating the terms of this policy, that supervisor, manager, or official shall require reasonable suspicion testing. The reasons for such reasonable suspicion shall be documented. If reasonable-suspicion testing is required, the employee will not be permitted to drive to or from the testing or while at work until the test is returned, and then only if the test produces negative results. The City will provide transportation to/from the testing at the City's expense if necessary.

**Post-accident testing:** After an accident, testing shall be conducted on employees whose performance could have contributed to the accident if (1) it is required by state or federal law; or (2) reasonable suspicion exists. Reasonable suspicion exists, but is not limited to, the following situations: (1) when an accident resulted in injury to a person for which a record or report could be required under Chapter 85 of the Iowa Code; (2) when an employee receives a citation for a moving violation involving the accident, or (3) when the accident resulted in damage to property, including equipment, in the amount reasonably estimated at the time of the accident to exceed one thousand dollars.

Following an accident, an employee shall be sent for testing as soon as possible. Breath alcohol testing shall be performed within two hours following the accident. Any employee who purposefully delays or avoids testing following an accident shall be disciplined up to and including termination.

An employee who refuses to submit to post-accident testing, in addition to facing discipline up to and including termination, may be denied workers' compensation benefits as allowed and/or required under Iowa law.

### **Post-drug testing procedures (all employees):**

Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. The employee may request a copy of the memorandum be placed in the employee's medical file.

If the employee's drug test results in a Medical Review Officer verified positive test for the use of drugs, or an alcohol concentration of 0.04 or greater, or refuses to submit to drug or alcohol testing, the employee shall be considered to have tested positive for drugs and/or alcohol.

An employee who tests positive shall be provided a list of appropriate and qualified substance abuse professionals who are available to the employee, including the substance abuse professionals' names, telephone numbers and addresses, for assessment and enrollment in a treatment and rehabilitation program, if recommended. If an employee remains employed following a positive drug test and is required

to take time off to participate in a rehabilitation program, the employee will be permitted to use sick leave, vacation time, and/or accumulated compensatory time.

Results of a positive drug or alcohol test and terms of rehabilitation will remain confidential except as noted throughout this policy and as provided by federal regulations.

Employees who are required to report for drug and/or alcohol testing will be allowed to be tested during work hours. With the exception of reasonable suspicion testing, employees may drive a City vehicle to and from the collection site or, with the City's approval, may drive their personal vehicle and will be reimbursed mileage.

Substance use and alcohol misuse have a negative effect on an employee's health, relationships and work life. An employee who is using drugs and/or misusing alcohol may have impaired physical, behavioral and speech functions and their job performance may suffer. If an employee suspects that an employee is using drugs and/or misusing alcohol, they are encouraged to report it to the employee's supervisor or the City Manager for follow-up.

An employee who violates this policy shall be immediately removed from safety-sensitive functions and will be subject to disciplinary action, up to and including termination. In addition, any employee holding a CDL license as a requirement of their employment who is convicted by the judicial system of a felony for a drug-related or alcohol-related matter is subject to immediate termination of employment.

**Confidentiality (all employees):**

Employee test results are confidential. Test results and other confidential information will only be released to the City, the substance abuse professional, and pursuant to the following paragraphs. Any other release of this information is only with the employee's consent as mandated by DOT 49 CFR §40.321.

Drug test results and records shall be stored and securely retained for an indefinite period in an employee medical file maintained by the Human Resources Department.

**Responsibility (all employees):**

It shall be the responsibility of the Human Resources Department to enforce this policy. Employees are expected to report any suspicious behavior or suspected drug abuse of an employee.

It is the responsibility of each employee to abide by the procedures as outlined. Any employee refusing to submit to a drug test request made under this policy will be subject to discipline.

**FMCSA Clearinghouse (employees holding a CDL license as a requirement of their employment):**

The FMCSA Clearinghouse is an electronic database that contains information about commercial motor vehicle drivers' drug and alcohol program violations. FMCSA regulations require employers to inform drivers and driver-applicants that the following information will be reported to the Clearinghouse (beginning 1/16/2020):

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to a drug or alcohol test required by FMCSA regulations;
4. An employer's report of actual knowledge of:
  - a. On-duty alcohol use (see 49 CFR § 382.205);
  - b. Pre-duty alcohol use (see 49 CFR § 382.207);

- c. Alcohol use following an accident (see 49 CFR § 382.209);
- d. Controlled substance use (see 49 CFR § 382.213);
- 5. A substance abuse professional's report of the successful completion of the return-to-duty process;
- 6. A negative return-to-duty test; and
- 7. An employer's report of completion of follow-up testing

Questions regarding this policy should be directed to the Human Resources Department.

## Section 6.04 – Workplace Violence Policy

### **General Policy**

- 1) Violence, or the threat of violence, by or against any employee or the City of Marion, or any other person while at work, is strictly prohibited. The prohibited action will subject the perpetrator, if an employee, to serious disciplinary action up to and including termination of employment, and in all cases, possible criminal prosecution.
  - a. Violence in the workplace is considered, but not limited to, any of the following:
    - i. The use of physical force with the intent to cause harm.
    - ii. Acts or threats in any form or manner which are intended to intimidate, cause fear or cause harm.
    - iii. The act of creating a hostile or intimidating work environment by means of words, actions, or physical contact.
    - iv. The intentional damage of City-owned property or real estate, or action intended to cause such property to fail to operate, or to operate improperly.
    - v. Conduct which may constitute an assault or battery under the Iowa Code.
- 2) The possession of firearms or dangerous weapons (as defined below) while on City property, in a City facility or City vehicle, is strictly prohibited.
  - a. Dangerous weapons are as defined in Section 702.7 of the Code of Iowa and include but are not limited to any offensive weapon, pistol, revolver or other firearm, dagger, razor, stiletto, switchblade knife or knife having a blade exceeding five inches in length.
  - b. Police officers or other employees operating within the normal scope of their official duties may use authorized weapons as tools of their profession.
- 3) Each incident of workplace violence, whether the incident is committed by an employee or an external individual such as a citizen, customer, or vendor, shall be immediately reported to a supervisor, department head or City Manager. Management will assess and investigate the incident and determine the appropriate action to be taken.
  - a. In critical incidents in which serious threat or injury occurs, emergency responders such as police, fire and/or ambulance agencies shall be immediately notified.
- 4) An employee who witnesses someone in the workplace with a firearm or dangerous weapon shall immediately notify a supervisor, department head or City Manager. If it is not practical to contact management, the employee should immediately contact the Police Department.
  - a. Any employee who acts in good faith by reporting real or threatened violent behavior will not be subjected to any form of retaliation or harassment. Any retaliation or harassment resulting from a report of violence must be immediately reported to a supervisor, department head or City Manager.
- 5) City employees who obtain restraining orders against individuals are strongly encouraged to advise their supervisor and department head regarding this situation.



- 6) Should an employee become the victim of an incident of workplace violence, the department head may offer the services of the Employee Assistance Program to assist in coping with the effects of the incident.

## Section 6.05 – Tobacco-Free Policy

### **General Policy**

The purpose of this policy is to ensure a safe, clean, and healthy environment for the public, employees, and visitors in City-owned buildings, buildings used by the City, and otherwise on City property. The Iowa Smoke Free Air Act of 2008 prohibits smoking within the confines of any public buildings owned, leased or operated by or under the control of the City, the grounds of any public building owned, operated, leased or controlled by the City, and all City-provided vehicles and roads-related equipment. As such, the City has instituted the following policies:

- 1) General
  - a. No tobacco use is allowed anywhere inside any City-owned, operated and/or leased facility or motor vehicle.
  - b. No tobacco use is allowed anywhere on the grounds of any City-owned office building, structure, or facility, including but not limited to entry areas, parking lots, grassed areas, sidewalks and docks.
  - c. No one in the employ of or volunteering at the City while representing the City in public (i.e., wearing an identification badge or uniform) may use tobacco products.
  - d. No tobacco use is allowed during a City-sponsored event.
  - e. Notwithstanding these provisions, the use of tobacco products inside a privately owned vehicle legally parked on City-owned, operated and/or leased grounds is permitted.
- 2) Contractors and Vendors
  - a. All contractors and vendors visiting or working at any City-owned, operated, or leased facilities must comply with this policy.
- 3) Visitors
  - a. All visitors to any City-owned, operated, or leased facilities must comply with this policy.
- 4) Enforcement
  - a. Violations of this policy shall be considered a violation of the City of Marion Personnel Policy and follow the same disciplinary procedures.

## Section 6.06 – Right-to-Know Policy

It is the policy of the City of Marion to assure that employees conform to state and federal "right-to-know" laws. The hazard communication standard (HCS), or worker "right-to-know" law, regulates how information about workplace chemical hazards is communicated to employees. Employees shall be provided with copies of City and departmental right-to-know policies located in the Safety Rule Handbook and shall be required to sign a receipt for said policies. Employees shall abide by these policies.

## Section 6.07 – On the Job Injury Policy

### **General policy**

It is the policy of the City of Marion to provide injury leave and related worker's compensation benefits in accordance with Chapters 85, 85A, 85B, and 411 of the Iowa Code.

**Reporting procedures:**

1. Employees must report all injuries to their supervisor immediately. An Accident Investigation Report must be completed by the end of the shift. The report should be forwarded to Human Resources no later than the next workday. Failure to make appropriate reports can jeopardize the employee's worker's compensation benefits and will result in discipline.
  - This report is to be filled out by any employee injured while working or involved in any incident involving City equipment or property.
  - The purpose of this report is to determine and identify the true cause of any incident to ensure against its reoccurrence.
  - If an employee is not able to complete this report, it should be completed by the employee's immediate supervisor within 24 hours of the incident.
  - Human Resources will work with the City's third-party administrator in processing workers' compensation claims.
2. Copies of this report shall be filed with the department head, Human Resources and the safety supervisor as soon as possible and no later than two working days following the incident.
3. The Marion Police Department shall be called any time a City vehicle or piece of City equipment damages private property, causes a personal injury or when required by the employee's department.
4. The supervisor or employee will telephone **COMPANY NURSE** and speak with the medical professional who will assist the employee with their medical needs and expedite the claims processing. The medical professional will talk to the manager first and then the employee to assist in determining what kind of treatment, if any, is necessary for the employee based upon their conversation with the injured worker and/or the supervisor.

The **COMPANY NURSE HOTLINE** is available 24 hours per day, seven days per week.  
Fire & PD under the 411 System: 1-888-770-0928 **Code IA739**  
All Other Employees: 1-888-770-0928 **Code IA228**

5. **COMPANY NURSE** will complete the first report of injury form and fax it to the claims processing administrator.
6. The employee/supervisor only needs to report the injury once to **COMPANY NURSE**.
7. **COMPANY NURSE** will handle all initial reporting of employee incidents.
8. The injured employee should be taken to Mercy Urgent Care in Marion, located at 3701 Katz Drive or, when circumstances warrant, an ambulance should be called (911). An employee on assignment out of town should seek appropriate medical attention. After obtaining care, notify Human Resources.

**If the injury is a medical emergency**, seek immediate care via 911 or emergency room. Upon release, contact **COMPANY NURSE** as listed above.

**Claim Investigation**

1. All injuries will be investigated immediately.
2. All employees who have a work-related injury that requires immediate care beyond first aid will take a drug and alcohol test if reasonable suspicion exists as documented by the Reasonable Suspicion Observed Behavior Report. A trained supervisor or manager must complete the Reasonable Suspicion Observed Behavior report within two hours of being notified of the injury. The drug and alcohol test will be coordinated through the Human Resources Department.

3. If a question exists as to the compensability of a worker's compensation claim, the claim will be investigated. If a dispute arises over any worker's compensation claim, then Chapters 85, 85A, and 85B of the Iowa code will be the sole source of satisfaction for said claim.
4. Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the City.

### **Job Injury Monitoring**

1. Employees who have been hospitalized for job-related injuries must call or report their status to Human Resources upon discharge from the hospital.
2. Employees are required to attend all scheduled follow-up visits unless other arrangements have been made and approved by Human Resources.
3. Each appointment for treatment or a return visit is to be considered the end of the employee's period of care unless otherwise stated on the medical certificate. The employee is expected to return to work for their next shift unless new instructions are given by the doctor and received by the Human Resources staff within 24 hours.
4. Failure to keep appointments or to report to the Human Resource Department, as stated above, is the same as not reporting for work.
5. While on workers' compensation leave, the employee is required to keep the City informed of their verbal or written correspondence with their treating physician(s), insurance carriers, physical therapists, and all other related parties so a complete claim file can be maintained by the City.
6. Prior to being allowed to return to work, the employee shall provide a written statement from a physician chosen by the City, indicating that the employee is released to return to work and is capable of performing the employee's essential job functions with or without a reasonable accommodation.

### **Medical Expenses/Documentation:**

All documents received that relate to the injury must be submitted to Human Resources staff promptly.

### **Benefits Retention:**

Regular employees unable to return to their job duties nor able to perform modified duties beyond the end of the healing period will maintain benefit eligibility as covered in the FMLA Policy or 30 calendar days (whichever is greater) if the employee has not been separated from City service.

### **Disciplinary Action – OSHA Recordable Injury:**

Disciplinary action will be administered for failure to work safely, including failure to wear personal protective equipment or horseplay, which results in an OSHA-recordable injury to an employee or fellow worker.

Disciplinary action may be administered upon conclusion of the investigation of a work-related injury where it is determined the employee did not perform all work duties and activities in accordance with City policies, procedures and safety practices.

If an employee fails to report to work at the end of the approved workers' compensation leave or if the employee is employed by or working for another employer or company during the workers' compensation leave, their employment with the City will be considered voluntarily terminated.

### Section 6.08 – Temporary Light Duty Policy

The City of Marion will make reasonable accommodations for an employee with a disability unless the accommodations would impose an undue hardship on the employer. The disabled employee must be able to perform the essential functions of the job with or without reasonable accommodation.

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

The City may grant temporary light duty to employees who:

- Have suffered a medically certified injury, illness or disability requiring treatment from a licensed healthcare provider, and
- Are temporarily unable to perform their normal duties but are capable of performing alternative duty assignments, or
- Are pregnant and unable to perform their normal duties but are capable of performing alternative duty assignments as long as they present monthly physician certificates or until such time as a physician recommends that work be curtailed.

Temporary light duty may be granted for a limited period of time by the department head and/or City Manager if such work exists, is of productive nature and is authorized by the attending physician's release. Temporary light-duty positions are limited in number and variety and are provided on a first-come, first-serve basis.

Decisions on temporary light duty assignments shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills and abilities, and the physical limitations imposed on the employee.

This policy in no way affects the privileges of employees under the provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act or other federal or state law.

#### **Provisions:**

Employees who are temporarily unable to perform essential functions of their job due to an illness, injury, or other medical condition may request to return to work in a temporary light-duty capacity. In the case of work-related injuries, the City is generally aware of the employee's temporary inability to perform the employee's essential functions of their job due to an illness, injury, or other medical condition, and the City may offer temporary light duty to the employee pursuant to this policy.

1. The department head and Human Resources decide if temporary light-duty assignments will be made. Employees requesting temporary light duty should make a written request to the department head. The request should describe the type of work that could be performed.
2. Employees requesting a temporary light-duty assignment, including employees requesting a temporary light-duty assignment after being offered or required to participate in temporary light duty, shall provide written documentation from their physician to Human Resources supporting the request for light duty. The documentation must include:
  - a. An assessment of the nature and probable duration of the disability
  - b. Prognosis for recovery
  - c. Nature of work restrictions

- d. Acknowledgement by the healthcare provider of familiarity with the temporary light-duty assignment and the fact that the employee can safely perform the essential functions of the light-duty assignment.
3. Human Resources may require the employee to submit to an independent medical examination by a healthcare provider of the City's choosing.
  - a. In the event the opinion of this second healthcare provider differs from the foregoing healthcare provider, the employee may request a third opinion at the employer's expense.
  - b. The employee and representatives of the City shall cooperate and act in good faith in selecting any third healthcare provider, and both parties shall be bound by that medical decision.
4. The City may also request that employees return to work in a temporary light-duty capacity when relating to a work-related injury. Please refer to the Return to Work Policy.
  - a. The employee shall provide a release from the employee's physician that states the type of work that the employee is capable of performing.
  - b. The City will make a written request to the employee asking them to return to work in a temporary light-duty capacity. The request will describe the type of work the employee will be asked to perform.
  - c. In the case of employees receiving benefits for a work-related injury pursuant to Iowa Code Chapter 411, the City may require the employee to accept temporary light duty within the employee's work restrictions.

Temporary Light Duty may be considered if there is productive work that can be safely performed by the employee. Employees on temporary light duty shall receive all the compensation and benefits that they would receive if not on temporary light duty, except they shall have a work schedule and duties assigned.

Temporary light duty is for a limited period not to exceed 30 days without evaluation to determine the employee's fitness to return to full duty states. Evaluations may require a written statement concerning the employee's medical condition from the attending physician. Temporary light-duty status may be continued for a period not to exceed an additional 30-day period when the evaluation shows that the employee is not fit to return to full duty.

Light duty beyond 60 days will need further evaluation of job assignment needs and status of required restrictions provided by a physician.

Employees who are on temporary light duty shall not perform any work that might aggravate their injury, illness or disability and/or that they have been advised not to perform by their physician.

Temporary light-duty assignments shall not be made for disciplinary purposes.

Temporary light-duty assignments may be altered or terminated at any time by the City.

### [Section 6.09 – Fit for Duty Policy](#)

It is the policy of the City of Marion to ensure that employees are medically fit to perform their job function.

#### **Provisions:**

- 1) Medical evaluation for job fitness:

- a. If there is a question about an employee's medical fitness to safely perform the essential functions of the employee's current job, the employee may be required to be examined by a physician of the City's choosing and at the City's expense. Only the initial examination for evaluation purposes will be at the City's expense. Any follow-up care is the employee's financial responsibility.
- 2) Return-to-work statements:
- a. Human Resources requires a doctor's return-to-work statement from an employee who has been off sick for longer than five days before the employee is allowed to return to work.
  - b. For a medical leave period beyond five workdays, a doctor's return to work statement will be required and the department head may require the employee to report to the City Occupational Health Nurse.



## EMPLOYEE ACKNOWLEDGEMENT FORM

This Employee Handbook describes important information about employment with the City of Marion ("City"). It has been prepared to make me aware of what I can expect in the way of privileges and benefits and what the City will expect of me in terms of behavior and performance during my employment.

The policies in this Employee Handbook are intended to apply to all City employees. This Employee Handbook and its policy statements supersede and have control over all prior and existing policy statements, representations, understandings, or agreements, whether verbal or written, dealing with the same subject matter.

Since departments vary in their duties and responsibilities, not all policies and regulations can be covered in this Employee Handbook. I understand that I may direct inquiries for additional information to my supervisor or Human Resources.

The use of masculine or feminine gender in references or titles shall be considered to include both genders and is not a sex limitation.

No policies in this Employee Handbook shall supersede any provisions of state or federal law or any valid Collective Bargaining Agreements entered into by the City and its employees. Should a provision of this Employee Handbook conflict with either state or federal law or a valid Collective Bargaining Agreement, the state or federal law or valid Collective Bargaining Agreement shall supersede this Employee Handbook.

The City reserves the right to change or eliminate any of the policies or benefits in this Employee Handbook. Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions may occur and that such changes will be communicated to me through official notices. Only the City Council can adopt any revisions to the policies in this Employee Handbook.

By signing below I understand that pursuant to Iowa Code chapter 91A I authorize the City to withhold amounts from my paycheck as described in Employee Handbook Section 4.05 Sick Leave.

I have entered into employment with the City of Marion voluntarily and acknowledge there is no specified length of employment. Iowa law allows me, or the City, to terminate the employment relationship "at will" at any time. Furthermore, I acknowledge this Employee Handbook is neither a contract of employment nor a legal document. I have received the Employee Handbook and I understand it is my responsibility to read and comply with the policies contained in this Employee Handbook and any revisions made to it. If I have any questions about this Employee Handbook, I understand that I should consult my supervisor or Human Resources.

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Employee's Name (Printed)

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Employee's Signature

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Date