

CITY OF MCCOOK, NEBRASKA

EMPLOYEE HANDBOOK

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FORWARD

The purpose of this handbook is to introduce each employee to the City of McCook. It will provide you with some insight into how the City works and how you fit into the City as a whole. The handbook contains information on the personnel policies which affect you directly and extend to every individual employee and group of employees throughout the City organization.

This handbook is designed to answer questions which may arise concerning your job. If you have any questions about the policies or statements contained in this handbook or a question not addressed in this handbook, ask your department head for additional information.

We hope you will find working for the City a happy and beneficial experience.

THIS POLICY MANUAL IS NOT A CONTRACT BETWEEN THE CITY AND ANY APPLICANT FOR EMPLOYMENT OR ANY EMPLOYEE, AND IT SHOULD NOT BE CONSTRUED AS SUCH. RATHER, THIS MANUAL IS A GUIDE AND DESCRIBES THE PROCEDURES THE CITY WILL ATTEMPT TO FOLLOW IN MOST CASES. THE CITY RESERVES THE RIGHT TO VARY FROM THESE PROCEDURES WHEN NEEDED AND TO IGNORE THEM COMPLETELY AT THE DISCRETION OF MANAGEMENT.

NO TERM OR CONDITION OF EMPLOYMENT WITH THE CITY IS OTHER THAN EMPLOYMENT-AT-WILL, UNLESS SUCH TERM OR CONDITION IS EMBODIED IN A SEPARATE AGREEMENT SIGNED BY THE MAYOR OR THE CITY MANAGER, WITH THE APPROVAL OF THE CITY COUNCIL.

INTRODUCTION TO THE CITY

The City of McCook was founded June 8, 1882. At that time there were about 800 people living within the City limits and three full-time employees. Since that time, McCook has grown to a population of 8,400, and the City has likewise grown to meet the needs. Presently, there are about 65 persons employed full-time for the City.

Why does the City exist in the first place? There are several answers to this question. The basic answer is "The City exists to provide services to the citizens of the community." The City provides many services. Some are more traditional, such as police protection, fire protection, and maintenance of safe and adequate streets. Other services are more recent in origin, such as community planning, maintenance of building standards, and services for senior citizens. Revenues to pay for many of these services are provided through the levying of taxes on the community, primarily property tax. Revenues for other services, such as water, sewer, etc., are provided by users for the services provided.

All of the services the City provides are important to the citizens of the community. **THE QUALITY OF LIFE IN MCCOOK DEPENDS UPON THE SERVICES PROVIDED BY THE CITY, AND THE QUALITY OF CITY SERVICES DEPENDS ON HOW WELL WE DO OUR JOBS.**

THE CITY ORGANIZATION

The City of McCook operates under the Council-Manager form of government.

The City Council is the legislative or policy making body of the City of McCook. It consists of five council members elected at-large by the citizens. One member of the five is chosen by the Council to serve as the President of the Council for purposes of conducting business and as the ex-officio Mayor of the City. The Council's major functions are to pass ordinances and resolutions; adopt the budget; employ a City Manager and City Clerk; and set policies. The Council is responsible for the establishment of personnel and compensation policies. The Council also makes appointments to the various advisory boards and committees. Council meetings are held in the City Council Chambers, City Auditorium, on the first and third Mondays of each month.

Under Nebraska law, except for the purpose of inquiry, an individual Council member is forbidden to interfere in any way with the operation of the departments of the City. It is only through the direction of the Council as a whole and through the City Manager that the affairs of the City may be conducted.

The City Manager is the chief administrative officer of the City. The position is similar to a president or business manager of a private company. The powers and duties of the City Manager are outlined by state statutes as follows:

1. To see that laws and ordinances are enforced.
2. To appoint and remove department heads and employees, unless such appointment and removal is subject to civil service laws.
3. To exercise control over all departments.
4. To attend all meetings of the Council with the right to take part in discussion but not to vote.
5. To recommend to the Council such measures as may be deemed necessary or useful.
6. To prepare the annual budget and keep the Council fully advised as to the financial condition and needs of the City.
7. To perform such other duties as may be required by act, ordinance, or resolution.

There are several committees established to advise the City in specialized areas and to administer policies and programs adopted by the City. These are as follows:

1. Airport Advisory Commission
2. Airport Zoning Board
3. Board of Health
4. Board of Zoning Adjustment
5. Building Advisory & Appeals Board
6. Civil Service Commission
7. Housing Authority Board
8. Library Board
9. Parks Advisory Board
10. Planning Commission
11. Senior Citizens Advisory Board
12. Tree Advisory Board

The City is organized into seven major departments as follows:

1. Administration
2. Police
 - a. Jail
3. Fire
 - a. Ambulance
 - b. Civil Defense
4. Library
5. Public Works
 - a. Airport
 - b. Ball Parks
 - c. Building & Zoning
 - d. Cemetery
 - e. Landfill
 - f. Parks
 - g. Pool
 - h. Sanitation
 - i. Street
6. Senior Services
 - a. Handibus
 - b. Meals on Wheels
 - c. Senior Center
7. Utilities
 - a. Sewer
 - b. Water

DEFINITIONS

ACCRUAL--the natural accumulation which comes about as a result of days worked; e.g., vacation or sick leave.

APPEAL--the right to refer a decision to a higher authority.

BENEFITS--employee compensation other than wages, such as, but not limited to, health insurance, holiday pay, vacation leave, sick leave, retirement plan, military leave, etc.

CAUSES--reason, motive, or ground for action.

COMPENSATION--any pay, benefits, or gratuities received by an employee for services performed.

COMPENSATORY TIME--time off from scheduled work in lieu of monetary payment for authorized overtime.

DEPARTMENT--a major operating functional unit of the City government.

DEPARTMENT HEAD--the officially appointed head of any department.

DISCIPLINARY ACTION--a sanction imposed upon an employee. Disciplinary actions consist of reprimand, suspension, reduction in pay, demotion, discharge, or a combination of these actions.

EMPLOYEE--persons appointed to positions in the City service.

EMPLOYMENT--the offer of a position on either a regular or temporary basis.

FLEX TIME--the rearranging of scheduled work hours during the work period which gives the employee alternate hours off in an amount equal to the additional hours worked.

GRIEVANCE--a misunderstanding, disagreement or complaint between an employee and the employer arising out of the belief on the part of the employee that he or she is being treated unfairly in regard to the terms or conditions of employment.

LEAVE--an approved absence from work as provided by these rules and policies.

OVERTIME--authorized time worked by an employee in excess of maximum hours for the period.

REGULAR EMPLOYEE--a person employed for the regular conduct of the City's business for an indefinite period.

PROMOTION--appointment of an employee to a position requiring greater responsibilities or skills and having a higher minimum and maximum rate of pay than the former position.

RECRUITMENT--active search by the employer for qualified candidates for employment.

REGULAR, FULL-TIME EMPLOYEE--an employee who works at least 40 hours per week.

REGULAR, PART-TIME EMPLOYEE--an employee who works less than 40 hours per week.

SUPERVISOR--any person who directs the work of others.

TEMPORARY EMPLOYEE--a person hired for a short period of time on a seasonal or emergency basis who shall not be entitled to the fringe benefits of other employees.

TERMINATION--the permanent separation of an employee from service, including death, discharge, resignation, layoff or retirement.

TRANSFER--the movement of an employee from one position to another which has the same pay assignment.

WORK DAY--any one shift or period of time which a department is open for business or on which an employee is scheduled to work.

SECTION 1. GENERAL PERSONNEL POLICIES

1.1 AMENDMENT OF PERSONNEL PROGRAMS

This handbook may be amended from time to time as deemed necessary. Any change involving policy shall be approved by the City Council. Departments may establish supplemental personnel rules and procedures for the operation of their department upon the approval of the City Manager, if not in conflict with the Employee Handbook. The City Manager is responsible for interpretation of the Handbook in a consistent manner and according to current FLSA Guidelines.

1.2 ATTENDANCE

Attendance is an important job performance factor and one indicator of employee satisfaction with his or her job and the City. All employees shall attend each day of scheduled work unless they receive authorized leave. If possible, call your department head prior to the first normal duty hour if you will be late or not reporting to work. Otherwise, call within the first one-half hour of your scheduled work period. Unnecessary tardiness and absence without leave will result in an appropriate pay reduction.

1.3 CIVIL SERVICE COMMISSION

The Civil Service Act shall apply only to all present full-time firefighters or full-time police officers of the City, including any paid full-time police chief or fire administrator of such department, and future appointees to such full-time positions.

Full-time police officers shall mean police officers in positions which require certification by the Nebraska Law Enforcement Training Center; who have the power to arrest; who are paid regularly by the City; and for whom law enforcement is a full-time career, but shall not include dispatchers, clerical, custodial or maintenance personnel.

Full-time firefighters shall mean duly appointed firefighters who are paid regularly by the City and for whom firefighting is a full-time career, but shall not include dispatchers, clerical, custodial, or maintenance personnel who are not engaged in fire suppression.

1.4 DRIVER'S LICENSE

All operators of City equipment shall hold a current Nebraska driver's license at all times and a record of such will be maintained in each personnel file.

Employees who are subject to driving a vehicle requiring the driver to hold a commercial drivers license under state or federal law must have a valid Nebraska commercial drivers license (CDL). A driver applying for a CDL may be required to

take a road test in a vehicle that is representative of the type of vehicle the driver operates or expects to operate and written knowledge tests. All drivers with CDLs must meet the following requirements:

- A. The driver shall not have more than one motor vehicle driver's license.
- B. The driver must notify the Nebraska Department of Motor Vehicles of any conviction in a state other than Nebraska of a violation in any type of motor vehicle of a state or local law relating to motor vehicle traffic control (other than a parking violation). Notification must be within 30 days of the conviction.
- C. Any driver holding a CDL who is convicted of violating any state or local law relating to motor vehicle traffic control in this or any other state (other than a parking violation) must notify the City of the conviction, in writing, within 30 days of the date of the conviction.
- D. Any driver who has a driver's license suspended, revoked, or cancelled, or who loses the right to operate a commercial motor vehicle or who is disqualified from operating a commercial motor vehicle shall notify the City before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, loss of privilege, or disqualification.
- E. A driver shall not operate a City motor vehicle if the employee's driver's license has been suspended, revoked, cancelled, or if the employee has been disqualified from driving.
- F. Any applicant who is required to have a CDL must provide on the application form a list of the names and addresses of the applicant's employers during the years preceding the date the application is submitted, together with the date he/she was employed by, and his/her reason for leaving the employ of each employer.

1.5 OUTSIDE EMPLOYMENT

You may have another job besides your City position under the following conditions:

- A. There is no conflict in working hours.
- B. Your efficiency on the City job is not reduced.
- C. The specific authority is given by your department head in writing, along with approval by the City Manager.
- D. There is no conflict of interest that could cause embarrassment to the City or to the employee.

- E. Outside employment does not exceed twenty (20) hours per week, except in the case of self-employment.

1.6 POLITICAL ACTIVITY

An employee may not participate in political activities during working hours or when otherwise engaged in the performance of official duties. No employee shall engage in any political activity while wearing a uniform required by the City unless authorized by the City Manager. Unless restricted by state or federal law, an employee may participate in political activities on personal time.

The responsibilities of holding office as a City Councilman are inherently in conflict with the duties and responsibilities of a City employee. City employees may file and run for office on the City Council, but, should they be elected their City employment shall be deemed terminated the first Monday following the election.

1.7 REST PERIODS

Upon authorization of department heads, employees may take up to two (2) fifteen (15) minute rest periods, inclusive of any travel time, each work day. Rest periods are a PRIVILEGE and shall not interfere with the proper performance or responsibilities of work requirements within the various departments. Such rest periods shall not be taken in any manner which will cause undue embarrassment or criticism to the City. Rest periods may not be saved and aggregated; combined with lunch periods; or used at the beginning or end of the day.

1.8 SEXUAL HARASSMENT

It is the policy of the City to provide a work environment that is free from discrimination or harassment. Sexual harassment in the workplace on the part of any employee is prohibited and any employee found to have engaged in sexual harassment will be subject to strong disciplinary action. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 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 the individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

In addition to the conduct described above, the following conduct may be sexual harassment prohibited by this policy:

- A. Unsolicited verbal, sexual comments, and harassment (i.e., off-color jokes or stories);
- B. Subtle pressure for sexual activity;
- C. Sexist remarks about a person's body or about sexual activities;
- D. Patting, rubbing, pinching, or any other unnecessary touching;
- E. Demanding sexual favors accompanied by implied or overt threats concerning one's employment (i.e., telling an employee that he/she cannot be promoted or cannot receive a pay increase without submitting sexually to his/her supervisor);
or
- F. Physical assault.

Any and all activities described above are expressly prohibited; however, the behavior and conduct specified are examples only and are not intended to be an all-inclusive list of what the City may determine to be sexual harassment under this policy. Activities such as those described above are prohibited between fellow employees as well as between supervisory and nonsupervisory employees. It is not necessary that there be a supervisory relationship between employees for the City to determine that sexual harassment has occurred.

An employee who believes he or she is the subject of sexual harassment should report the complaint to the City Manager for appropriate investigation and action. Retaliation by an employee's supervisor or another employee for filing a sexual harassment complaint shall not be tolerated and shall subject the retaliators to severe disciplinary action.

1.9 SOLICITATIONS

No solicitations of any kind shall be conducted among City employees while at work.

1.10 TELEPHONE

Employees shall be required to have telephone service in their place of residence as a condition of their employment or otherwise be accessible in case of emergency. Such telephone number shall be provided to the City, to be placed in the personnel file of the employee. Specific departments may require employees to have a touch-tone telephone in their residence for purposes of alarm and radio system warnings.

Use of a City telephone for personal calls during working and/or nonworking hours shall only be allowed for calls of a necessary and/or emergency nature.

1.11 TRANSPORTATION

The City pays travel expenses of its employees and others with approval of the City Manager engaged in City business. All business expenses require the approval of the department head and City Manager. The reimbursement rates are as follows:

- A. Travel by personal car at the IRS-approved rate. In-state mileage shall be calculated by using the official state highway map mileage chart, plus five (5) miles per each day, or part thereof, that the person is engaged in City business. Out of state travel will be at actual odometer readings.
- B. Other transportation, lodging and miscellaneous expenses at actual cost upon the submission of proper vouchers/receipts.
- C. Meals
 - 1. At actual cost upon the submission of proper vouchers/receipts for expenses not associated with travel requiring an overnight trip.
 - 2. For travel requiring an overnight trip, \$30.00 per day(no receipts necessary), or pro-rata, based on the following:
 - a. Breakfast - \$5.00
 - b. Lunch - \$10.00
 - c. Dinner - \$15.00

Actual receipts may be substituted for per diem when the total meal expenses for the trip exceeds the per diem. Banquets, lunches and other meals included in the registration fee or prepaid with the conference will be deducted from the per diem rate.

1.12 USE OF CITY PROPERTY

City-owned vehicles, materials, facilities, or equipment shall not be used by City employees for any personal or private use including the use of shops and tools without the express consent of the City Manager and department head. All facilities and equipment are provided by the public and should be used only for public uses.

The City of McCook's name or its tax exempt status shall NEVER be used by any employee for his or her personal advantage on any purchases.

1.13 VEHICLES, CITY-PROVIDED

Certain City officials and employees are provided City-owned vehicles for use in discharging City business. Such City vehicles shall be used only upon the authorization of the City Manager. Employees retaining vehicles overnight shall not use such vehicles for private business other than for commuting or minor errands.

Certain City officials and employees may be provided a monetary allowance for the use of personal automobiles in discharging their official duties when City-owned automobiles are not available. Such remunerations shall be in accordance with limitations as may be approved by the City Council, state statutes, and procedures established by the City Manager.

1.14 WORKING HOURS

Departments shall observe working hours as necessary to perform the services required as determined by the City Manager and department head. Department heads shall work such hours as are required by the City Manager and as may be necessary to complete their responsibilities in a satisfactory and efficient manner.

- A. REGULAR EMPLOYEES. A work week of 40 hours shall be the standard for all employees except those in the public safety area. Meal periods shall be established by the department head and will not be counted as time worked.
- B. POLICE OFFICERS. A work week of 42 hours shall be the standard for police officers. The department operates 24 hours a day, 7 days a week. Shift assignments and meal periods shall be established by the Police

Chief. Meal periods will be counted as time worked only if officers are available for assignments as required during meal periods.

- C. FIREFIGHTERS. A work week of 40 or 56 hours shall be scheduled for firefighters. The department operates 24 hours a day, 7 days a week. Shift assignments are 8 hours or 24 hours. Meal periods shall be established by the Fire Administrator. Meal periods will be counted as time worked only if the firefighters are available for assignments as required during meal periods.
- D. VOLUNTEERS. City employees may volunteer for additional work which is of benefit to the City, in compliance with applicable federal and state rules and regulations. Volunteer work must be approved by an employee's supervisor.

SECTION 2. EMPLOYMENT

2.1 CLASSIFICATION PLAN

The position classification plan is a system by which the duties and responsibilities of an employee are defined and assigned a descriptive title, such as "dispatcher" or "meter reader." The purpose of the plan is to divide the work of the City into job units for which people can be hired, evaluated and paid in relation to position, duties and responsibilities in an equitable manner.

All positions in the City are listed in the City pay schedule which sets the rate of pay for the various positions according to the relative difficulty, responsibilities, qualifications, prevailing rates of pay, cost of living factors, financial policy of the City, and other economic considerations. The pay plan insures that persons holding the same or similar positions in the City are compensated on an equal basis except for pay differences resulting from merit increases or longevity.

2.2 RECRUITMENT

When an opening occurs in one of the departments, the department head shall report the opening to the City Manager. The City shall advertise for and otherwise solicit applicants for at least two weeks. Applicants for civil service positions shall be required to take competitive civil service exams and be subject to certification by the Civil Service Commission. All applicants are required to submit a resume or fill out a standard City application form.

An applicant's driving record and criminal history shall be checked prior to employment. After applications have been reviewed, those applicants determined to be best qualified on the basis of the application shall be interviewed and tested as appropriate. With the recommendation of the department head the City Manager will appoint the best qualified applicant.

In accordance with the Rehabilitation Act of 1973 and the Americans With Disabilities Act, no applicant for employment will be required to undergo a physical examination prior to being offered a position with the City. An applicant may be required to undergo a physical examination, and applicants for safety sensitive positions or those requiring a CDL, alcohol and controlled substance testing, after an offer of employment has been made. An offer of employment will be contingent upon the results of the medical examination and testing. The City will not require an applicant for employment or an employee to submit to a test for HIV infection or AIDS.

2.3 ELIGIBILITY

All new employees must document their employment eligibility by satisfactory documentary proof of identity and eligibility for employment.

The required documentation must be presented by the employee/applicant within three business days of the date employment begins. If the employee/applicant is unable to provide the required document or documents within the time period of three business days, then the individual must present a receipt for the application for the document or documents within three (3) business days and present the required documentation within 90 days of the date employment begins. The employee/applicant must also complete the portions of INS Form I-9, as required, along with any and all other forms required by the state or federal governmental regulations.

2.4 EMPLOYMENT REQUIREMENT - RESIDENCE

All department heads and supervisory level employees shall live within the City limits and all other employees shall live within three miles of the City limits unless an exception is granted by the City Manager. An exception will only be granted if it is determined that his or her ability to perform the job will not be impaired.

2.5 EMPLOYMENT STATUS

- A. REGULAR, PART-TIME EMPLOYEE (minimum 20 hours/week)--A regular, part-time employee is an employee who works on a regular basis a minimum of 20 hours per week. Part-time employees may be eligible for health and life insurance benefits, pension plans, and all other benefits. Vacation and sick leave benefits will accrue at 50% of the accrual rate for full-time employees. (For additional information, see Section 5.2, HEALTH INSURANCE.)
- B. REGULAR, PART-TIME EMPLOYEE (less than 20 hours/week)--A regular, part-time employee working less than 20 hours per week is an employee hired on a sporadic basis. Such part-time employees are not eligible for pension plans, health or life insurance, or other benefits of the City.
- C. REGULAR, FULL-TIME EMPLOYEE--A regular, full-time employee must work a minimum of 40 hours a week for regular employees; 42 hours a week for police officers; and 40 or 56 hours a week for firefighters. He or she is eligible for employee benefits.
- D. TEMPORARY EMPLOYEE--A temporary employee is an employee hired for seasonal or temporary employment and is not eligible for any benefits. When a temporary position is discontinued, the employee will be laid off regardless of the time in the position. Temporary employees may be part-time or full-time.

2.6 PROBATION

Police officers are on probation for twelve (12) months after their certification, and firefighters are on probation for six (6) months after commencement of their employment.

2.7 PROMOTION

The City wants you to perform well in your job and hopes you will want to advance to more responsible positions in the City. Your department head will give you guidance in directing your career and keep you in mind should an opening occur. An employee has the right to reject a promotion offer and remain in good standing in his or her present position. An employee not approved during the probationary period following a promotion may be reinstated to the position held previously if it is still available.

2.8 TRANSFER

All regular employees are entitled to request a transfer to another department. Such a transfer should be initiated by the employee by contacting the department heads involved. Transfers must be approved by both department heads and the City Manager.

2.9 EMPLOYMENT OF RELATIVES

A supervisor shall not supervise their immediate family members, and relatives may only be employed in the same department upon permission of the City Manager.

2.10 ABILITY TO PERFORM DUTIES

Should an employee, in the judgment of the City, become physically unable to perform the essential functions of his/her position, then the following procedure may be utilized.

- A. The employee will submit to an examination by a physician selected and paid by the City. If the examination verifies that the employee is physically or mentally unable to safely perform his/her job duties, the City will endeavor to reasonably accommodate the employee in his/her current position. If accommodation is not possible without undue hardship, then the City will try to place the employee in another position if a vacancy exists and the employee is qualified to fill the vacancy.
- B. If the foregoing accommodations do not permit placement of the employee and the employee will not be able to return to employment within a reasonable period of time, the employee will be separated from employment by resignation, termination, or retirement.

THESE PERSONNEL POLICIES ARE INTENDED AS GUIDELINES ONLY. IN NO WAY SHALL THESE POLICIES AND PROCEDURES BE, OR BE CONSTRUED TO BE, A CONTRACT, AGREEMENT, UNDERSTANDING, OR OTHER CONTRACTUAL UNDERTAKING BETWEEN THE CITY AND ANY APPLICANT FOR EMPLOYMENT OR EMPLOYEE. THE CITY SPECIFICALLY RESERVES THE RIGHT TO VARY FROM

THESE POLICIES AND PROCEDURES AS NEEDED, AND FURTHER, SPECIFICALLY RESERVES THE RIGHT TO DISCIPLINE AND TERMINATE AN EMPLOYEE AT ANY TIME WITHOUT REGARD TO THE APPLICATION OF THESE POLICES. NO TERM OR CONDITION OF EMPLOYMENT WILL BE BINDING ON THE CITY UNLESS IT IS APPROVED BY THE CITY COUNCIL AND IS EMBODIED IN A SEPARATE, WRITTEN AGREEMENT, SIGNED BY THE MAYOR OR THE CITY MANGER.

SECTION 3. TERMINATION

3.1 TERMINATION

To terminate in good standing with the City, the employee must give two weeks notice (not including any vacation days); return all equipment furnished by the City (including uniforms, tools, and other articles purchased to perform your job); and settle all obligations with the City. Upon written request by the employee, the money the employee is eligible for under the respective pension plan shall be paid according to the specific guidelines of the plan. A forwarding address must be left with the department head and submitted to the payroll clerk.

3.2 LAYOFF

The City Manager may require the abolition of any position or a reduction in force due to lack of work, shortage of funds or materials, and/or completion of a project. Competition for retention is limited to employees holding similar positions. Selection will be based first on performance and then on seniority of service. The City will give two weeks notice to all employees subjected to a layoff. Layoffs are not considered a disciplinary action.

3.3 ABANDONMENT

All employees of the City shall be on duty at the times indicated by the rules and under the conditions of their employment. An employee who is absent without leave and who fails to return to duty within 24 hours shall be deemed to have resigned the position. Such resignation is not in good standing, and the employee may not be eligible for future employment with the City.

3.4 RETIREMENT

City employees may retire pursuant to their retirement plans. An employee contemplating retirement shall give 90 days notice to their department head.

SECTION 4. PAY PLAN

4.1 PAY PLAN

The pay plan establishes standard and equitable rates of pay for all classified employees of the City and is directly connected to the classification plan. The pay schedule consists of pay grades for each position.

4.2 MAINTAINING THE PLAN

The City Manager is responsible for the continuous maintenance and administration of the pay plan.

The City Manager shall conduct special studies of prevailing wage rates and rates of comparable municipalities to keep the plan current, considering cost of living fluctuations; relationship between salary ranges and comparable jobs; financial condition of the City; and other employee benefits. On the basis of this information, recommendations shall be made for changes to keep the plan uniform, equitable, and competitive with other comparable employers of the same class of personnel. Recommended changes in the plan shall become effective upon City Council approval.

4.3 ESTABLISHMENT OF PAY RATES

The City Manager, upon review of the recommendation of the department head, shall determine the rate of pay within established ranges and the proper classification of employees.

4.4 PAY PERIODS

The City operates on a biweekly payroll. Pay checks are distributed the second Wednesday following the end of the pay period. If an observed holiday falls on the established pay date, checks will be distributed on the day prior to the pay date.

Employee checks shall be distributed only to the employee unless advance arrangements have been made for distribution to someone else. Early pay check distribution will not be given except with the permission of the department head and the City Manager in special situations only.

4.5 ORIGINAL EMPLOYMENT

Employees will normally be hired at the bottom of a pay range for a particular classification. When it is impossible to obtain qualified persons at such pay or when a new employee possesses exceptional qualifications, the department head, with the concurrence of the City Manager, may recommend employment above the bottom of the salary range.

4.6 PAY INCREASES

- A. COST OF LIVING. The City will endeavor to maintain the employees' pay at par with any increases in the cost of living on an annual basis as it is possible without jeopardizing the City's financial position. The pay schedule shall be revised to accommodate the increase or decrease in the cost of living. Such cost of living adjustments are subject to City Council approval during the budget process.
- B. MERIT. After an employee has completed six months in a position, the rate of pay may be increased if performance has been satisfactory. Opportunities for merit increases within the designated range will be provided again after one (1) year of employment and annually thereafter. Merit increases are given if appropriate by the City Council during the budget process and if approved by both the department head and City Manager.
- C. LONGEVITY. All regular, full-time employees shall receive longevity pay at the rate of one (1%) percent of base pay (from pay schedule) for each five (5) years of continuous service. The years of service shall be figured from the date of permanent, full time status.

4.7 AUTHORIZED DEDUCTIONS.

Only authorized deductions (in writing and signed by the employee, or withholding required by law) shall be withheld from an employee's check. The City Manager may approve deductions for an employee suspended for disciplinary reasons.

4.8 TIME SHEETS

Time sheets shall be completed for each pay period worked by the employee. Time sheets shall be completed in ink, signed and dated by the employee. Pay checks shall be held on any employee who does not complete the time sheet in full.

4.9 COMPENSATION AND OVERTIME

The following work periods are established for the various employee groups:

General	7 day work period	40 hours
Police	28 day work period	168 hours
Firefighter	21 day work period	159 hours
or	7 day work period	40 hours

The City's work period for all employees begins on Sunday at 12:01 A.M. and ends on the last Saturday of their work period at 12:00 P.M.

Employees who work beyond the hours in their given work period shall be compensated at time and one-half (1 1/2) their regular hourly rate. All periods during which employees are completely relieved from duty which are long enough to enable them to use the time effectively for their own purposes are not hours worked.

The regular rate is the equivalent hourly rate at which the employee is actually paid for normal non-overtime hours. The equivalent hourly rate must be computed over each work period for purposes of determining overtime pay. The regular rate is computed by including base pay, merit pay, longevity pay, and all other pay actually received. For the purposes of computing overtime pay, the hours worked DO NOT include: hours when acting as a volunteer fire or ambulance responder; certain discretionary pay bonuses; and pay received from employer contributions to fringe benefits such as retirement plans and insurance. Vacation, sick, or other leaves granted with pay, shall NOT count as hours worked for the purpose of determining overtime pay.

Employees shall work overtime and shall be on call when necessary. Overtime shall be worked only with specific authorization by the department head or, in the department head's absence, the employee's supervisor, and shall be allocated as evenly as possible among all employees qualified to do the work. This written notification must be submitted in advance to the department head or supervisor. If the department head or supervisor is unavailable for authorization of overtime, or if time does not allow advance written notification, the request shall be submitted for retroactive approval except in emergency situations. An employee shall be given at least twenty-four (24) hours advance notice of scheduled overtime. Compensation for overtime shall be paid to the employee at the rate of time and one-half (1 1/2).

A City's employee may do additional pari-time work for the City without the hours being counted as overtime work. The work, however, must be in a different capacity from the employee's regular job and the part-time work must be on an occasional or sporadic basis.

4.10 CALL BACK

Employees subject to an unscheduled or emergency call back shall be compensated for a minimum of one (1) hour pay. Such call back shall be paid at the overtime rate only if the total hours in the work period exceed the defined work period hours. Call back time starts when an employee reports to duty and continues until relieved from duty.

Call back shall be permitted only in an emergency situation. Any and all call backs shall be individually documented and acknowledged by the employing department head and the City Manager. Such documentation shall be filed with the payroll clerk before being paid.

4.11 COMPENSATORY TIME

Department heads shall rearrange the work schedule of employees within the work period to avoid the use of compensatory time or overtime if feasible to do so. Such rescheduling is referred to as flex time. No employee is eligible for compensatory time unless the City has on file a written agreement by the employee to accept compensatory time in advance of the performance of the work. In the absence of such an agreement, the employee must be paid overtime pay.

Department heads are permitted to give eligible employees compensatory time off in-lieu of overtime pay. Comp time shall be given at a rate of not less than one and one-half (1 1/2) hours for each hour of overtime worked. "Compensatory time" and "compensatory time off" are defined as hours when an employee is not working and which are paid for at the employee's regular rate of pay. These hours are counted as hours worked in the week which they are paid.

Compensatory time shall be allowed only at the department head's discretion. An employee shall be permitted to use accrued compensatory time after it is requested if to do so would not unduly disrupt the operations of the employing public agency.

The maximum compensatory time which may be accrued by an affected employee shall be 36 hours (i.e., not more than 24 hours of actual overtime hours worked). Department heads may assign employees to take compensatory time off if such compensatory time is assigned in increments equal to at least a full shift, and is assigned on a date or dates contiguous with the employee's normal scheduled days off. Employees requesting compensatory time off must request a minimum of one (1) hour. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.

Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final three years of employment or the final regular rate received by the employee, whichever is higher.

Department heads are not eligible for compensatory time.

4.12 EXEMPT EMPLOYEES

Section 13(a)(1) of the Fair Labor Standards Act (FLSA) (29 U.S.C. Section 541) exempts "bona fide" executive, administrative and professional employees, from the minimum wage and overtime pay provisions of the law. The list of employee position classifications hereafter exempted from overtime pay is available from the payroll clerk.

4.13 HOLIDAY

Regular, full-time employees who would otherwise be scheduled to work on the day an observed holiday occurs, but due to the holiday do not work, shall receive eight (8) hours of pay at the 40-hour rate. Regular, part-time employees who would otherwise be scheduled to work on the day an observed holiday occurs, but due to the holiday do not work, shall be paid based upon the average hours of the past four weeks worked that day of the week. Temporary employees shall not receive paid holidays.

Regular employees who are scheduled to work on an observed holiday shall be compensated as follows:

Employees will be credited with eight (8) hours of holiday pay for the holiday plus be paid for hours actually worked that day.

Employees not scheduled to work on a holiday shall receive eight (8) hours holiday pay. Holiday pay shall be considered hours worked when calculating overtime.

An employee must have worked or taken paid leave on the work day before and after the observed holiday to receive pay.

4.14 TERMINATION PAY

A terminating employee will be paid for actual hours worked during the pay period or, if a civil service employee, under suspension, for actual hours scheduled.

An employee voluntarily terminating in good standing shall also be paid for accrued vacation and holiday leave, accrued compensatory time, and 1/4 accrued sick leave.

An employee terminated NOT in good standing shall be paid for accrued vacation and holiday leave, and compensatory time.

The status of an employee's termination is available information to all future employers and will also be considered when the employee attempts to be re-hired with the City.

SECTION 5. EMPLOYMENT BENEFITS

The City provides a fringe benefit package for its employees. If the City did not provide these benefits, you would have to pay a certain amount of your income to see that they were provided by other agencies. These fringe benefits are important and valuable to you and your family's welfare.

5.1 RETIREMENT PLANS

All eligible employees of the City are covered under one of three (3) pension plans which the City provides for its employees. The three plans are: police officer's retirement; firefighter's retirement; and a retirement plan for other City employees. The pension plans for police officers and firefighters are required and regulated by state statutes. The pension plan for regular employees is a private, mandatory plan. A brief description of each plan follows. More complete information on each pension plan is available upon request to your department head.

- A. POLICE OFFICER'S RETIREMENT. All police officers covered by civil service must participate in the police officer's retirement plan as set out in state statutes. The pension plan provides retirement, death and disability benefits. For more information on the police officer's retirement plan, contact the Police Chief or the payroll clerk.
- B. FIREFIGHTER'S RETIREMENT. All firefighters covered under civil service must participate in the firefighter's retirement plan as set out in the state statutes. The pension plan provides retirement, death and disability benefits. For more information on the firefighter's retirement plan, contact the Fire Administrator or the payroll clerk.
- C. CITY OF MCCOOK EMPLOYEE RETIREMENT PLAN. The retirement plan is a defined contribution plan where a participant's benefit is based solely on the fair market value of his or her account balance. Employees who have attained age 20, except for uniformed personnel covered under other retirement plans and part-time employees having less than 1,000 hours of service per year, are required to participate in the plan. Employees hired prior to September, 1985 have the option to participate in the plan. For more detailed information contact your department head or the payroll clerk.

5.2 HEALTH INSURANCE

The City provides major medical insurance and dental insurance through a self-funded insurance plan for regular, full-time employees, and regular part-time employees who work 30 hours or more per week. There is no premium cost to the employee either for single or family coverage. Regular part-time employees working less than 30 hours per week may be eligible for reimbursement for a private health insurance plan. (For further information contact the City Manager.) Upon

joining the plan, a booklet explaining the plan and identification cards will be distributed to you. When your coverage under this health insurance plan terminates for specific reasons, you are able to convert your health coverage under the City's plan without evidence of insurability.

5.3 GROUP LIFE INSURANCE

The City pays the cost of a group life insurance plan covering all full-time, regular employees. A \$2,000 term insurance is provided to all employees.

Each individual policy remains in force for 31 days after the employee terminates employment with the City. During that time the life insurance coverage may be converted to an individual policy in the same amount with no physical examination.

In addition to the above, the City's health insurance program provides a life insurance policy for each participating employee equal to one year's gross salary.

5.4 (THIS SECTION LEFT BLANK INTENTIONALLY FOR FUTURE USE.)

5.5 LEAVE

The City provides several types of leave. There are two categories of leave, paid and unpaid. The types of paid leave are as follows:

1. Civil
2. Emergency
3. Holiday
4. Injury
5. Sick
6. Training
7. Vacation

The types of unpaid leave are as follows:

8. Military
9. Special without pay
10. Family Medical Leave

- A. CIVIL LEAVE. Any person summoned to serve on jury duty shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time or any other form of penalty, as a result of his or her absence from employment due to such jury duty, upon giving reasonable notice to his or her employer of such summons. The City will, however, reduce the pay of an employee by the amount of any compensation, other than expenses, paid by the court for jury duty or require the employee to endorse the check for such duty over to the City.

- B. EMERGENCY. Emergency leave not to exceed twenty-four (24) consecutive working hours will be granted by the City in the event of the death of a member of the immediate family of any employee with pay. Immediate family, for emergency leave purposes only, is defined as a spouse, children, parents, brothers, sisters or grandparents and the same relatives of his or her spouse. Emergency leave shall be taken within one (1) week of the date of the death, or at other times with approval of the City Manager.

SECTION 2. Section 5.5 - LEAVE - C. HOLIDAY, shall be amended to read as follows:

- C. HOLIDAY. A holiday is a normal workday on which all operations of the City, with the exception of the departments whose operation is necessary to the public health and safety, are ceased and the City is closed to normal business.

Employees are given the day off with pay. The following are recognized holidays.

- a. January 1..... New Year's Day
- b. May; Last Monday. Memorial Day
- c. July 4. Independence Day
- d. September; First Monday..... Labor Day
- e. November; 4th Thursday..... Thanksgiving Day
- f. November; 4th Friday. After Thanksgiving Day
- g. Half day - December 24..... Christmas Eve
- h. December 25..... Christmas Day
- i. One floating holiday

The floating holiday shall be taken upon the approval of the Department Head in full-shift increments only. The floating holiday must be taken by the employee between January 1 and December 31 of each year and will not be carried over to the following year.

It is the policy of the City that all regular employees enjoy comparable time-off, compensation benefits, and holidays each year. The standard shall be the amount of paid leave granted to employees working a 40 hour week Monday through Friday. When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed as the holiday.

(See Section 4.13 HOLIDAY, for additional information.)

- D. INJURY. Employees injured on the job may be granted one (1) week of injury leave for each new and separate injury, prior to the use of other leave or benefits.

For an employee to receive injury leave:

1. The injury must have occurred on the job.
2. The injury must be reported to the department head or supervisor within 24 hours.
3. The injury must be compensable under the Worker's Compensation Act of Nebraska.

It is the responsibility of the department head or supervisor AND the employee to file a WRITTEN REPORT within five days to the payroll clerk.

After all injury leave is used, an employee may elect to use any available sick leave or vacation leave. (See Section 5.6 WORKER'S COMPENSATION, for further information.)

Charges will be made against any sick leave accrual when the City is contesting that the injury occurred on the job. If such contested action is found not to require the use of accrued sick leave, the employee's sick leave account will be given the proper credit.

To limit the obligation of the City for each new and separate injury, the City may require an employee to furnish medical proof or submit to medical examination at the City's expense in order to determine whether such injury is a new and separate injury or an aggravation of a former injury received while in City service.

- E. SICK LEAVE. Sick leave shall be granted to employees for the following reasons:
- a. personal illness or physical incapacity resulting from causes beyond the control of the employee;
 - b. enforce quarantine of the employee in accordance with community health regulations;
 - c. doctor's or dentist's appointment; and
 - d. illness or condition of an immediate family member which require the employee's presence; immediate family for sick leave purposes is defined as:
 - 1) spouse and employee's parents
 - 2) children
 - 3) some person actually living in the employee's household

Sick leave shall accrue to regular employees at the following rate:

40 HOUR EMPLOYEE: Bi-weekly accrual - 3.69 hours

	Maximum accrual - 800 hours
42 HOUR EMPLOYEE:	Bi-weekly accrual - 3.88 hours Maximum accrual - 840 hours
56 HOUR EMPLOYEE:	Bi-weekly accrual - 11.08 hours Maximum accrual - 2,400 hours
PART-TIME EMPLOYEE:	Bi-weekly accrual - 1.85 hours Maximum accrual - 400 hours

Sick leave shall be earned and accrued from the most recent date of employment. Employees beginning work within the first 15 days of the month shall accrue sick leave for that month and employees terminating within the last 15 days of the month shall accrue sick leave for that month.

An employee laid off from his or her position may, if reappointed within twelve months, have available for use any non-paid accrued sick leave existing at the time of the layoff.

An employee shall report to the department head or supervisor at the beginning of the work shift when he or she will be absent. The employee shall keep the department head or supervisor informed of his or her condition. The City may require a written release any time a person has been under a physician's care before returning to work.

Sick leave shall be granted upon the approval of the employee's department head and City Manager. In order to be granted sick leave, an employee must report to his or her department head or immediate supervisor the reason for the absence at the beginning of the work shift for which sick leave is taken.

The City Manager/Administration reserves the right to allow/deny sick leave to avoid abuse of this policy.

With City Manager approval, any employee who has at least 500 hours accrued in sick leave may donate up to 40 hours, per calendar year, of their sick leave to a general sick leave bank to be maintained by the Human Resource Officer. The purpose of this general sick leave bank is to assist fellow employees who have entered into hardship due to illness and/or injury and have depleted all their own leave in good faith.

To request compensation from the general sick leave bank, the employee will make application to the Human Resource Officer in an amount not to exceed 160 hours (per occurrence). The application will be reviewed by the City Manager with the applicant's Department Head and Supervisor and Human Resource Officer to determine eligibility and allotment based upon the applicant's leave history.

Forms for donation and application may be obtained from the Human Resource Officer.

- F. TRAINING LEAVE. Employees may be allowed leave to attend training schools, workshops, conferences or conventions. Such leave shall be approved by the department head and City Manager if the training will be of mutual benefit to the City and to the employee. In most cases, transportation, per diem and tuition will be paid by the City.
- G. VACATION. All regular employees are allowed a certain number of days each year for vacation. Vacation leave must be approved by the department head in advance and scheduled to insure a minimum disruption of department work.

Vacation leave shall be earned and accrued from the most recent date of employment. Vacation leave shall accrue to regular employees at the following rate per each bi-weekly pay period:

<u>Regular , full-time</u>	<u>40-hour</u>	<u>42-hour</u>	<u>56-hour</u>	
Commencement date thru 4th year		3.08	3.23	4.31
From start of 5th year		3.69	3.88	5.17
From start of 8th year		4.62	4.85	6.46
From start of 13th year		5.23	5.49	7.32
From start of 18th year		6.15	6.46	8.61
<u>Regular, part-time</u> <u>working 20 or more hours</u> <u>per week</u>		1.54		

Vacation leave will accrue from date of hire. However, employees are not entitled to use vacation leave accrued until they have completed six months of continuous employment with the City of McCook.

Regular, part-time employees who take accrued vacation leave will be considered on vacation only during those hours they would normally work. Regular, part-time employees working less than 20 hours per week and temporary employees are not allowed vacation leave. Employees beginning work within the first 15 days of the month shall accrue vacation for that month and employees terminating within the last 15 days of the month shall accrue vacation for that month.

In addition to the level of vacation accrual provided for above, all department heads shall accrue an additional 1.54 hours of vacation time per pay period, in lieu of eligibility for compensatory time.

The maximum number of vacation days which may be accrued by an employee is one and one-half (1 1/2) times the number of vacation days earned in a year. Vacation days accumulated over this number must be taken within one month or they will be lost.

Terminating employees may be compensated for accumulated vacation leave pursuant to Section 4.14, TERMINATION PAY.

- H. MILITARY. Military duty means training and service performed by an inductee or enlistee in the armed forces of the United States, and time spent in reporting for and returning from such training and service or, if a rejection occurs, returning from the place of report for service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard of the United States where the call is for training only. Temporary employees are not eligible for military leave.

Any employee who is a member of the National Guard, Army Reserve, etc., is entitled to up to 15 days of leave, without loss of pay, when employed in active service of the state or the United States. This leave is to be in addition to the regular annual vacation or personal leave provided for the individuals. Additional leave is without pay. Military leave will be administered in accordance with the City Military Leave policy. A copy may be obtained from the City Clerk.

- I. SPECIAL LEAVE WITHOUT PAY. The City Manager may grant an employee special leave without pay, for a period not to exceed eleven (11) consecutive months in any one year, if it is in the interest of the City to do so. The employee's request shall only be considered if the employee's record shows him or her to be of more than average value to the City and where it is desirable to retain the employee even at some sacrifice. The employee shall be reinstated to the position vacated if the position still exists, or if not, to any other vacant position in the same class. No leave or benefits shall accrue to an employee during the term of his or her leave without written agreement by both the department head and City Manager.
- J. ABSENCE WITHOUT LEAVE. Unauthorized or unreported absence shall be regarded as absence without leave and deduction of pay shall be made for the period of absence. (See Section 3.3 ABANDONMENT, for further information.)

5.6 WORKER'S COMPENSATION

All employees are insured against accidents on the job through Nebraska Worker's Compensation insurance, paid for by the City. The law provides for coverage for

personal injury and death to an employee by accident or occupational disease, arising OUT OF and IN the course of employment, and only if the employee was NOT WILLFULLY NEGLIGENT at the time of the injury. Worker's Compensation may pay for medical and hospital services, disability income and death benefits. An employee may NOT receive paid sick leave from the City and disability income from Worker's Compensation at the same time. Disability income from the insurance company must be turned over to the City in order to receive payment from the City for sick or vacation leave.

An on-the-job injury shall be reported by the employee to the department head within 24 hours of injury. Failure to do so shall serve as just grounds for denying any claims against the City resulting therefrom.

No injury or sick leave shall be allowed for an injury incurred while working for another employer. It shall be the duty of the City Manager to make denial determinations under this policy.

If an employee, after injury leave is exhausted, elects not to use any available sick or vacation leave, they will not receive pay from the City but may be eligible to receive Worker's Compensation pay. While receiving Worker's Compensation, an employee neither accrues nor loses vacation and sick leave.

An employee may, upon written request, use accrued sick leave and vacation time to supplement Worker's Compensation payments. The intent of this provision is to allow an employee to receive an amount equal to net pay while off work due to a Worker's Compensation-eligible accident. The employee's accrued sick leave and vacation time will be charged according to the number of hours required to make up the difference between Worker's Compensation payments and the employee's usual net pay, exclusive of overtime or any additional payments received.

With the written consent of the employee's physician, an employee may be returned to work on a light duty assignment prior to full recovery from an injury or illness.

5.7 UNIFORMS

The City provides uniforms for employees required to wear them. The City Manager shall determine what clothing is allowed under the uniform allowance and shall determine all other policies regarding the use of uniforms. No uniform or part of uniform will be worn while off-duty.

5.8 CREDIT UNION

All employees of the City, their spouse and children are eligible to participate in the KRD Federal Credit Union. The organization is owned and operated by the employees themselves and is federally insured. Savings and loan programs are offered.

Employees may elect a payroll deduction savings plan. Details are available from Credit Union officers or the payroll clerk.

5.9 SOCIAL SECURITY

All employees, except those firefighters covered by civil service, are covered under the federal Social Security Program. Employee and City contributions are based upon a percentage of the employee's salary.

5.10 FAMILY MEDICAL LEAVE

Employees may be eligible for unpaid family medical leave benefits under the Family Medical Leave Act of 1993. The City has a comprehensive policy concerning procedures and eligibility for family medical leave. A copy can be obtained upon request from the City Clerk.

SECTION 6. EMPLOYMENT STATUS - DISCIPLINARY ACTION

- 6.1 Employees who do not have a separate, individual written employment contract signed by the Mayor or City Manager are employed at the will of the City and are subject to termination at any time, for any reason, with or without cause or notice, except as prohibited by law. Similarly, employees may terminate their employment at any time and for any reason.
- 6.2 The City Council is the only body authorized to override the Employment-at-Will provision. No City representative is authorized to modify this policy for any employee or applicant for employment or to enter into any agreement, oral or written, contrary to this policy. Supervisory and management personnel should not make any representation to employees or applicants concerning the terms or conditions of employment with the City that are inconsistent with this policy.
- 6.3 This policy will not be modified by any statements contained in this or any other employee handbooks, employment applications, recruiting materials, memoranda, or any other materials provided to employees in connection with their employment. None of these documents, whether singly or combined, will create an express or implied contract concerning any terms or conditions of employment.
- 6.4 Nothing contained in this handbook, employment applications, City memoranda, or other materials provided to employees in connection with their employment require the City to have just cause in order to terminate an employee or otherwise restrict the City's right to terminate any employee at any time or for any reason. Provided, however, that the City shall not terminate any employee for reasons that violate state or federal law.
- 6.5 Statements of specific grounds for termination set forth elsewhere in this policy are not all-inclusive and are not intended to restrict the City's right to terminate at will.

6.6 WORK RULES

In the interest of good employee/employer relations, the following "Rules of Conduct and Performance" are provided to employees to generally inform them of the City's requirements and expectations. These rules, which are illustrative only and are not intended to be all-inclusive, contain examples of failures in conduct and/or job performance which may lead to discipline or discharge. Work rules will be enforced fairly and not in an arbitrary manner by supervisors.

RULES OF CONDUCT AND PERFORMANCE

Improper conduct and/or inadequate performance includes:

1. The employee is guilty of a misdemeanor, a felony, or traffic infractions committed while on duty or while operating City-owned vehicles.

2. The employee has used his position for personal gain, including but not limited to, the acceptance of gratuities offered in the expectation that they will affect or influence the employee in the performance of the employee's duties.
3. The employee has used alcohol or drugs while on duty or has been under the influence while on duty; under the influence of alcohol or drugs while off duty to an extent to jeopardize the morale of City employees, bring discredit to the City, or jeopardize the employee's ability to perform the job.
4. The employee has been guilty of abusive or improper treatment toward a person in custody, provided the act committed was not necessarily or lawfully done in the self-defense or to protect the lives of others or to prevent the escape of the person lawfully in custody.
5. The employee is abusive, disrespectful, or discourteous in his conduct or language toward the public or towards City officers or employees.
6. The employee has attempted to intimidate, threaten or coerce other employees to support or oppose any political candidate or party.
7. The employee is incompetent to perform the duties of the position, or unable to get along with supervisors and fellow workers.
8. The employee has induced or attempted to induce any City officer or employee to commit an illegal act or to act in violation of any lawful and reasonable department or official regulation.
9. The employee exercises or attempts to exercise any political patronage or influence that might affect the conditions of his or her employment.
10. The employee has intentionally deceived or obstructed any person in respect to his or her right to take part in any test for admission to City service.
11. The employee has furnished special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or to be tested for employment.
12. The employee engages in sexual harassment or any attempts at sexual favors by coercion of other employees.
13. The employee walked off the job or took leave without permission.
14. Inefficiency, inattention to duty, or dereliction of duty by the employee
15. Dishonesty, theft of City property, or improper use of City property by the employee.

16. Misrepresentation or omission of facts in seeking employment;
17. Fighting or causing bodily injury to another or disorderly conduct;
18. Refusal to accept or follow orders or directions from proper authority or any other form of insubordination;
19. Falsification of time sheets;
20. Making or permitting a false or untrue record relating to any material or work;
21. Disclosing confidential information;
22. Engaging in dangerous or disruptive horseplay or scuffling;
23. Violation of safety rules or of any safety procedure;
24. Failure to report injury;
25. Defacing, damaging, or destroying City property deliberately or through negligence;
26. Immoral or indecent conduct;
27. Excessive absenteeism, failure to report for work, failure to give proper notice to supervisor, or conducting unauthorized personal business during working hours;
28. Excessive tardiness;
29. Leaving job without authorization, wasting time, loitering, or sleeping during working hours;
30. Transportation or possession of firearms while on City property or business (excluding police officers);
31. Bypassing management with individual complaints and grievances;
32. Failure or refusal to cooperate with fellow workers; and
33. Unauthorized use of City vehicles, tools, or equipment.

6.7 FORMS OF DISCIPLINE

Disciplinary action will normally be initiated by the department head. In any situation where the retention of an employee may be detrimental to service or may jeopardize

the safety of other employees, the department head or supervisor concerned shall immediately relieve the employee from duty until further notice.

The following forms of disciplinary action may be used:

- A. ORAL REPRIMAND - a verbal notice to an employee that his or her behavior or performance must be improved or corrected. An oral reprimand may be given by the immediate supervisor and defines the improvement or corrective action required and informs the employee that failure to comply with the oral warning will result in more serious action. Supervisors shall record the date and subject of the oral reprimand, but no record shall be placed in the employee's personnel file.
- B. WRITTEN REPRIMAND - a written notice to an employee that his or her performance or behavior must be improved or corrected. Such notice may be given by an immediate supervisor and shall contain a statement of the cause for the action, improvement, or corrective action required of the employee, time frames for such action, and possible results of the employee's failure to comply. Written reprimands shall be placed in the employee's personnel file. An employee receiving a written reprimand may respond to that action and a copy of the response shall be attached to the reprimand.
- C. SUSPENSION - the temporary removal of an employee from duty without pay. Suspension shall be used when other means have been tried without success and it is believed that suspension will bring about the required improvement in the employee's behavior or performance, or when the cause is sufficiently serious to warrant such action. If a situation arises wherein an employee must be immediately removed from the work site, a supervisor may take such action to be followed by the formal action as set forth in this Section.
- D. DISCIPLINARY PROBATION - a brief probationary period during which an employee is expected to improve in one or more areas of behavior or performance. The employee will be informed in writing of the expected improvements. This differs from a written reprimand in that the employee will be evaluated at the conclusion of the disciplinary probation to assess improvement, and to form a basis for further disciplinary action if needed.
- E. REDUCTION IN PAY - the regression of an employee in a salary range for disciplinary purposes. Reduction in pay shall be used as an alternate to suspension without pay. A reduction in pay shall be set for a certain time, during which period any consideration of a merit increase will be suspended.
- F. DEMOTION - the reduction of an employee from his or her present position to a lower classification, due to the employee's inability to perform the duties of his or her present position. Any demoted employee shall retain all seniority and shall assume a salary commensurate with the lower classification. Demotion actions shall be placed in the employee's personnel file.

- G. DISCHARGE - the removal of an employee from City service. Discharge will be used when other means of improving the employee's behavior or performance have failed, or when the nature of the misconduct warrants this action.

When considering the suspension, disciplinary probation, reduction in pay, demotion or discharge of a permanent employee, a department head shall, after investigation to determine the factual basis for the allegation, take the following steps:

1. Notify the employee of the factual allegations giving cause to possible discipline.
2. Set a date, time, and place for an informal hearing to determine the truth or falsity of the allegations and possible discipline (no recording of proceedings need to be kept).
3. Advise the employee of the evidence believed to support the allegations.
4. Advise the employee of his right to an attorney of his choice to present evidence or challenge the evidence at the hearing.
5. Offer the employee the opportunity to present his/her side of the facts and circumstances.
6. Make a written recommendation to the City Manager concerning the results of the investigation, and recommended discipline.

The decision concerning the disciplinary action shall be made by the City Manager. The employee shall receive adequate notice and warning of the allegations, and an objective investigation of the facts. The City Manager shall offer the employee an opportunity to present his/her side of the story before making the decision concerning discipline. The decision of the City Manager shall be final.

NOTHING IN THIS POLICY IS INTENDED TO MODIFY THE CITY'S EMPLOYMENT-AT-WILL POLICY. THE CITY RESERVES THE RIGHT TO DISCHARGE AN EMPLOYEE AT ANY TIME, FOR ANY REASON. SIMILARLY, EMPLOYEES RETAIN THE CORRESPONDING RIGHT TO RESIGN AT ANY TIME. WHILE THE ABOVE RULES OF CONDUCT AND PERFORMANCE IS PROVIDED AS A GUIDE FOR CITY PRACTICES, THE CITY MAY DISCIPLINE EMPLOYEE CONDUCT AND/OR PERFORMANCE NOT SPECIFICALLY LISTED HEREIN. IN ADDITION, THE CITY IS NOT OBLIGATED TO OBSERVE ANY PARTICULAR SEQUENCE OF DISCIPLINE; EMPLOYEES MAY BE IMMEDIATELY TERMINATED AT THE OPTION OF THE CITY.

SECTION 7. EMPLOYEE DEVELOPMENT

7.1 TRAINING

The City provides you with the training necessary to perform the duties of your job. This may be a formal training school or on-the-job training. All required training is at the expense of the City including travel and lodging. Payment for time spent in training will be made in compliance with applicable federal and state regulations. If you feel you need training to be more effective at your job, talk it over with your department head.

7.2 SUPERVISOR-EMPLOYEE CONFERENCES

A supervisor-employee conference may be defined as a tool for measuring the value of an employee in the performance of his or her job. The conference indicates the areas in which the employee is strong as well as those in which the employee is weak or average in comparison to others doing similar work.

Conferences will be conducted for each City employee in conjunction with merit evaluations scheduled under Section 4.6B. Conferences may also be held at other times as deemed necessary by the supervisor.

Department heads will review all employees within their department. The City Manager will review all department heads and members of his or her staff.

Written forms will be completed for summarizing the conference. A copy shall be maintained in the employee's personnel file.

SECTION 8. EQUAL OPPORTUNITY

The City of McCook is an Equal Opportunity Employer. It is the policy of the City not to discriminate against you in hiring or in the performance of your job for reasons of race, color, religion, national origin, age, sex or disability (including physical or mental impairment). The City of McCook bases employment and promotion decisions solely upon an individual's qualifications for the position to be filled.

The City will make reasonable efforts to accommodate the disabilities and religious holiday observances of qualified applicants and employees. Accommodations will be made so long as they do not create an undue hardship. Qualified individuals with a disability or with special needs for religious observance are encouraged to discuss their need for an accommodation with their supervisor or the department head.

Any supervisor receiving a request for a reasonable accommodation should report the request to the department head. The department head, in conjunction with the affected employee and the employee's supervisor, and using reasonable resources available, shall determine what, if any, effective accommodations exist. The department head, in conjunction with the City Manager, if necessary, shall then determine what accommodations are reasonable, and, if more than one reasonable accommodation exists, what reasonable accommodation will be made.

SECTION 9. GRIEVANCE PROCEDURE

It is the policy of the City to provide an orderly method of consideration and solution to employee problems through a "grievance procedure." The grievance procedure is established to insure that each employee receives just and fair treatment from the City, and to promote improved relations within the organization. The grievance procedure may be used to appeal the provisions of the Employee Handbook, administrative directives, or department rules and regulations.

An employee may appeal the application of any City policy, directive, or rule within five (5) working days of its occurrence or the employee's knowledge thereof by discussing the matter with his or her supervisor. If the employee is not satisfied with the response, he or she may submit a written appeal to the next higher authority within five (5) working days from the date of the supervisor's response. A written response to the employee's appeal will be required within ten (10) working days. If the matter is not resolved within the department, an employee may submit a written appeal to the City Manager within five (5) working days following the department head's response.

After reviewing the situation, the City Manager will respond to the employee within ten (10) working days following receipt of the appeal. The City Manager may support the department head's decision, or reverse the decision. The decision of the City Manager is final.

No complaints or grievances concerning matters of personal employment conditions shall be taken by employees to members of the Council or the public. Nothing contained herein shall be construed to deny rights guaranteed to the employee under the First Amendment to the Constitution relating to matters of public concern and interest.

SECTION 10. PERSONNEL RECORDS AND FORMS

10.1 INFORMATION REQUIRED

In order for the City to keep its records up to date, you must notify the department head of any of the following:

- a. Address or telephone number change.
- b. A change in the number of dependents you want claimed for state and federal income taxes.
- c. Changes in your pension plan or insurance beneficiary.
- d. Changes in the person to be notified in an emergency.
- e. Names of other health insurance companies insuring you and your family.
- f. Names of new dependents to be covered by the health insurance plan.

It is the responsibility of the department head to notify the payroll clerk and arrange for the employee to have time to complete and sign any related papers.

10.2 PERSONNEL FILE

A central file of records on all personnel is maintained by the City. An employee may, upon request to the payroll clerk, review his or her own personnel file during normal business hours at the City's main office. Information in the file may be photocopied, but no information may be removed from the office.

The personnel file will contain for each employee:

- a. Resume or standard City application form.
- b. Oral, physical, written or other examinations.
- c. Various entrance checks such as references
- d. Copies of position or pay rate change authorizations.
- e. All commendations or certifications of training completed.
- f. Reprimands and disciplinary action notices.
- g. Supervisor-employee conference reports.
- h. Other personnel action, notices, and personnel data required for the proper administration of the personnel program, even if employee originated.

Employee personnel records shall be considered confidential and shall be accessible only to the persons listed below:

- a. The employee
- b. The City Manager
- c. The employee's department head
- d. The supervisor, with the approval of the employee's department head.

No material shall be placed in an employee's personnel file without the knowledge of the employee. No portion of any personnel file shall be duplicated by any person other than those listed above without the consent of the employee.

CONCLUSION

All City employees help provide the services that the citizens of McCook desire, pay for, and expect. Good streets, excellent water systems, enjoyable parks, good community planning, police and fire protection do not just happen. As you join this organization, we know that you too will give your best effort to provide the people of this community with the services that they can expect. It is not an easy task, but it is worthwhile.

Everyone with the City of McCook wishes you well on your job. We hope that your working relationship with the City is long, pleasant and rewarding.

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