

1/1/2024

City of Urbandale

Employee  
Handbook





## City of Urbandale

Whether you have just joined our staff or have been at the City of Urbandale for a while, we are confident that you will find the City a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the employees of the City of Urbandale to be one of its most valuable resources. This handbook has been written to serve as the guide for the employer/employee relationship.

There are several things to keep in mind about this handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Human Resource department. Neither this handbook nor any other City document confers any contractual right, either express or implied, to remain in the City's employment. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause, and without prior notice by the City, except as otherwise provided by law or by the terms of a collective bargaining agreement. You may also resign for any reason at any time. No supervisor or other representative of the City has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

The procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.

Some subjects described in this handbook are covered in detail in official policy documents. Refer to these documents for specific information because the handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents.

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# SECTION 1: INTRODUCTION

The purpose of this Employee Handbook is for the City of Urbandale to establish a fair and equitable system of human resources administration that will facilitate efficient and effective practices for the City of Urbandale employees.

## SCOPE

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This employee handbook applies to all regular full-time and part-time employees, as well as, seasonal/temporary employees who work for the City of Urbandale. The City of Urbandale will mention from time to time, when a policy or practice may be the same or slightly different for employees who are working under contract terms, or employees working under a collective bargaining agreement. Whenever the policies, terms, conditions or language of this handbook are in conflict with those of a collective bargaining agreement or any other employment contract, the policies, terms, conditions and language of the collective bargaining agreement or employment contract supersede those of the handbook.

## ADOPTION AND POLICY AMENDMENT

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These policies and procedures are adopted by resolution of the City Council. Policy amendments shall become effective upon consideration and adoption by the City Council. Minor changes to this policy and procedure manual can be approved by the City Manager without City Council approval.

## ADMINISTRATIVE REGULATIONS

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The City Manager may adopt, amend, and rescind administrative policies and procedures not in conflict with the policies and procedures contained in this handbook as necessary for proper administration of the City. Department heads may adopt, amend, and rescind departmental administrative policies, as necessary for proper departmental administration.

## EMPLOYMENT AT WILL AND DISCLAIMER

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The contents of this manual are presented as a matter of information only. This manual does not, either by itself or in conjunction with any other City documents policy, procedure action, practice or verbal statement creating an employment contract, express or implied. The City of Urbandale reserves the right to modify, revoke, suspend, terminate, or change any or all policies or procedures contained herein in whole or in part at any time with or without prior notice.

All employees are employed “at will” and can be terminated at any time with or without cause without prior notice, except as otherwise provided by law or by the terms of a collective bargaining agreement. All statements contained in this manual or any other or any other manual, publication, employment application, recruiting materials, memoranda, or other materials provided to applicants or employees shall be interpreted consistent with this employment-at-will relationship. No employee has any authority to modify the “at will” status of any employee unless that modification is expressly made in writing and has been specifically agreed to in writing by the City Manager and City Council.

## SECTION 2: DIVERSITY

### EQUAL EMPLOYMENT OPPORTUNITY

The City of Urbandale affirms its commitment to providing Equal Employment Opportunity (EEO) for all employees and applicants of the City. No personnel decision or action shall be unlawfully influenced in any manner by consideration of an individual's race, color, religion, creed, sex, sexual orientation, gender identity, genetic information, national origin, ancestry, citizenship, age, disability, marital status, or status as a covered veteran in accordance with applicable federal, state and local laws.

The City of Urbandale complies with applicable state and local laws governing nondiscrimination in employment in every location in which the City has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfers, leave of absence, compensation and training.

The City of Urbandale expressly prohibits any form of unlawful employee harassment based on race, color, religion, creed, sex, sexual orientation, gender identity, genetic information, national origin, ancestry, citizenship, age, disability, marital status, status as a covered veteran, or any other characteristic protected by law. Improper interference with the ability of the City of Urbandale employees to perform their expected job duties is absolutely not tolerated.

### AMERICANS WITH DISABILITIES ACT (ADA) AND THE ADA AMENDMENTS ACT (ADAAA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City of Urbandale to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our City policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City of Urbandale. Contact the Human Resource department with any questions or requests for accommodation.

### GENETIC INFORMATION NON-DISCRIMINATION ACT (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City requests that employees not provide any genetic information when responding to any request by the City for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## ANTI-HARASSMENT

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The City of Urbandale 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 Urbandale expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

It is the policy of the City of Urbandale to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, genetic information, national origin, ancestry, citizenship, age, disability, marital status, status as a covered veteran, or any other characteristic protected by law. The City of Urbandale prohibits any such discrimination or harassment.

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

The prohibitions contained in this policy include all conduct and communication regardless of the form of that conduct or communication. This means that all forms of electronic communication, all types of social media, and all forms of interaction are covered.

### **Definition of Harassment**

Sexual harassment constitutes 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 written, 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 gender. 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 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 his/her race, color, religion, creed, sex, sexual orientation, gender identity, genetic information, national origin, citizenship, age, disability, marital status, status as a covered veteran, or any other characteristic protected by law or that of his/her 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 and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on City time or using City equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City of Urbandale (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, or during off-duty activities that impact the workplace.



## **Complaint Process**

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

When possible, the City of Urbandale encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The City of Urbandale recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

The City of Urbandale encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although 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.

Confidentiality will be maintained 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. False or malicious complaints will be the subject of appropriate disciplinary action.

## **Hostile Work Environment**

Positive working relationships are essential to the teamwork that is necessary to ensure effective delivery of City service and the well-being of all employees. Employees are expected to conduct themselves in a professional, civil, and courteous manner whether interacting with the public or with fellow employees. Behaviors which tend to create a hostile work environment are prohibited. These include, but are not limited to, rudeness or discourtesy, malicious gossip, false allegations or providing false information about an employee, refusal to communicate, including deliberate failure to share necessary job-related information, and avoidance or "shunning."

Isolated or occasional incidents of conflict between employees will not ordinarily be subject to disciplinary action. Good-faith exercise of supervisory authority including directives, evaluation, counseling, or imposition of discipline is expressly excluded from this policy.

## SECTION 3: EMPLOYMENT

### **Civil Service Commission and Staff**

The duties and powers of the Civil Service Commission are set forth in Chapter 400 of the Code of Iowa. The Urbandale Civil Service Commission shall issue its own policies and procedures.

The City Clerk serves as the Secretary to the Civil Service Commission as provided by Chapter 400 of the Code of Iowa. The Human Resources Department shall provide staffing for the Civil Service Commission's examination operations.

### **Civil Service Employees**

Chapter 400 of the Code of Iowa sets forth positions that are included in Civil Service. Certain job classifications such as City Clerk, City Manager, etc. are specifically exempted from Chapter 400. In general, Civil Service covers full-time regular positions below the levels of Directors/Assistant Directors; however, Chiefs of Fire and Police and Deputy Chiefs are included in Civil Service. Civil Service rights are not retained where a Civil Service employee accepts an appointment to a non-Civil Service position. Library employees are exempt from Civil Service.

### **Preference by Service**

An employee whose position status becomes subject to Civil Service by reclassification or allocation to full-time by the City shall retain the position and have full Civil Service rights subject to Chapter 400 of the Code of Iowa.

## EMPLOYEE CLASSIFICATION CATEGORIES

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All employees are designated as either non-exempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employee's employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and the City of Urbandale.

**Non-exempt employees** - are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

**Exempt employees** - are generally managers or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

The City of Urbandale has established the following categories for both nonexempt and exempt employees:

- **Full-time:** Employees who are not in a temporary status and who are regularly scheduled to work the City's full-time schedule of 40 hours per week. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.
- **Permanent part-time:** Employees who are regularly scheduled to work less than full-time but scheduled at least 20 hours each week. Permanent part-time employees who are regularly scheduled to work at least 30 hours each week are eligible for some of the benefits offered by the City subject to the terms, conditions and limitations of each benefits program.
- **Seasonal:** Employees who are hired to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the City's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Seasonal employees are not eligible for benefits unless stated by contract.

- **Part-time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and/or do not meet the qualifications of a permanent part-time position, including paid on call or part-time fire staff. Part-time employees are not eligible for benefits unless stated by contract.

## PROBATIONARY PERIOD

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The first six months of employment are a time for the City and the employee to get to know one another. If during the probationary period it is determined that the employee does not fulfill the requirements of his/her employment or if the City determines that continued employment is not in the interest of the City, the employee will be terminated.

Following a break in service of more than two weeks, a regular employee's probationary period shall be extended by a period of time equal to the break in service.

Prior to the end of the probationary period, the supervisor shall complete a written performance evaluation for the employee. Continuance in the position after expiration of the probationary period shall constitute a regular appointment. However, completion of the probationary period does not alter the at-will status of the employment relationship.

### Exceptions:

All new police officers who are not certified by the Iowa law enforcement academy at the time of hire shall serve a probationary period which begins with the date of initial employment and continues for a period of nine months following certification from the law enforcement academy. If a new employee has already been certified at the time of hire, his/her probationary period shall be nine months from date of hire. The probationary period for full time Firefighters is one year.

### Promotional Probationary Periods

Each newly promoted full-time or part-time employee shall be subject to the successful completion of a ninety (90) day probationary period. In the event an employee fails to complete the probationary period, he/she may return to the previously held classification and rate of pay if the opening still exists. Such failure to qualify during probation shall not be subject to appeal.

\* Police and Fire need to refer to their contracts or departmental policies for specifics on probationary periods as they may differ from the city's policy.

## RECRUITMENT AND SELECTION

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### Job Posting

The City of Urbandale, in its employment efforts, will post job openings where appropriate. The recruitment of civil service positions will follow the Code of Iowa chapter 400.

### Promotional and Open Job Classes

It is the general policy of the City of Urbandale to apply the principles of competitive merit employment in the selection of employees for City positions. When it is in the best interests of the City, the Human Resources Director may designate any position in the City service as promotional, i.e., limited to one or more categories of current City of Urbandale employees.

Chapter 400 of the Code of Iowa states that vacancies in Civil Service promotional grades shall be filled by lateral transfer, voluntary demotion, or promotion of qualified City employees. In accordance with the intent of Chapter 400 of the Code of Iowa, the Human Resources Director shall designate each Civil Service job classification as promotional or open (entrance). A Civil Service promotional class is one which provides a logical avenue of progression from one or more Civil Services job classes having a lower maximum rate of pay. A promotional relationship shall be deemed to exist where employees' service in lower level class(s) can reasonably be expected to result in the acquisition of the knowledge, skill and ability necessary to meet the minimum educational and experience requirements for the promotional job class.

The list of classes designated as Civil Service promotional shall be reviewed annually by the Human Resources Director. The Human Resources Director shall also have the authority to make a permanent or temporary change in the status of a position prior to posting the notice of examination, based on the aforementioned criteria.

### **Civil Service Exams**

Civil Service exams shall be practical in character and shall relate to matters which fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. A fair examination shall explore the competence of the applicant in the particular field of examination.

The Human Resources Department may prepare or select the examination, administer the examinations, hire persons with expertise to do so, and/or hire persons with expertise to consult in the preparation of such examination with the approval of the Commission.

Open-competitive examinations may be administered periodically as the needs of the City require and may include a written test, oral test (interview prior to the commission establishing a certified list), performance test, physical agility test, or other selection procedures as deemed by the Commission.

A candidate's score in any examination may or may not be the combination of the scores on each competitive part of the examination. In some examinations, failure of any part of the examination may be grounds for declaring such candidate as failing the entire examination or as disqualified for subsequent parts of the examination.

### **Veteran's Preference**

The veteran's preference specified in Iowa Code section 35C.1 provides for five (5) points to be added to the passing scores of eligible veterans. Eligible veterans are honorably discharged veterans from the military or naval forces of the United States in any war the United States has been engaged in as described in section 400.10 of the Code of Iowa. In applying preference points, five (5) points will be added to the final or composite passing score. Five (5) additional points shall be added to the score if the veteran has a service-connected disability or is receiving compensation disability benefits or pension under laws administered by the Veterans Administration

Veteran's wishing to claim preference must submit Form DD 214 no later than the application deadline. Veterans claiming preference on the basis of disability must present official Veterans Administration documents verifying disability status.

Veteran's preference is not applicable in the case of promotion or appointment to Chief of the Fire Department or Chief of the Police Department.

### **Non-Civil Service Positions**

Regular positions exempt from Civil Service will be filled on the basis of merit. When a non-Civil Service vacancy occurs, department directors will consult with the Human Resources Department regarding recruitment and selection procedures.

### **Minimum Qualifications**

Minimum qualifications are established by the Human Resources Department, normally after consultation with departmental staff or others having expertise in the field covered by the job.

Minimum qualifications may be revised at any time but will not be changed during an announced recruitment period (from posting until deadline). The minimum qualifications will be stated on the recruitment posting.

An applicant must meet minimum qualifications in order to be admitted to an examination. Each application will be reviewed by the Human Resources Department. In the case of technical qualifications, the operating department shall be consulted; however, the Human Resources Department will make the final determination as to whether an applicant meets minimum qualifications. Notification of eligibility to take the examination will be sent to the applicant by the Human Resources Department.

## **Appointment**

The appointing authority, or designee, shall consider the qualifications of those on the eligibility list, as well as applicants for demotion or transfer. The appointing authority, or designee, may select any individual from the certified eligible list.

A person accepting appointment shall report as directed on an appointed date. Should the person appointed fail to report, it shall be assumed that the appointment is declined, unless the person appointee presents acceptable reasons for the action to the department head within 24 hours.

## **Conditional Appointment**

When the needs of the City are such that it is necessary to appoint an individual to a position prior to a scheduled meeting of the Civil Service Commission, the appointing authority may make a conditional appointment. In such cases, the candidates considered shall be those who have successfully completed the examination and have been recommended for certification.

## **Temporary Appointment**

Whenever there is a need for a short-term or seasonal employee, or in the absence of a certified eligible list, or when necessary to prevent the stoppage of public business, the appointing power may make a temporary appointment of an applicant until the services of the casual short-term employee are no longer required or until a list of eligible candidates can be certified. All temporary employment shall be considered to be at-will. Except where provided by statute, temporary employees shall not be given, nor shall they be led to believe they will be given, preference for any regular employment.

In the case of Civil Service positions, a temporary appointment made in the absence of a certified eligible list shall be limited to 90 days for any one person in the same vacancy, but such limitation shall not apply to any person temporarily acting in a position regularly held by another.

## **Pre-Employment Review**

To the fullest extent permitted by state and federal law, the City will consider all information concerning an applicant or an employee in making hiring, firing and other employment-related decisions. The term "all information" includes information of any kind (verbal, written, photographic, video graphic, etc.) that is accessible in any medium (print, electronic, etc.) from any source. The City will consider public information and other information to which it has lawful access. This may include information that is contained in social networking sites, blogs, and other electronic sites, such as YouTube. If there is information that pertains to an applicant that the applicant believes requires explanation, interpretation, or clarification when it is considered by the City, it is the applicant's obligation to communicate this information to the City. Information that is relevant to the City's decisions will be considered regardless of the date on which the City obtains the information and regardless of the date on which the information was first published, created, or made accessible to the City.

Individuals who provide false, inaccurate or incomplete information, or who fail to disclose requested information in the application form, in an interview, or any other part of the hiring or promotion process will not be eligible for employment, or if they are already employed, will be subject to termination.

## **BACKGROUND AND REFERENCE CHECKS**

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To ensure that individuals who join the City of Urbandale are well qualified and to ensure that the City of Urbandale maintains a safe and productive work environment, it is the City's policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form, a criminal history background check, a check of any relevant abuse registries, a check of the applicant's driving record, and any other check deemed to be relevant by the City.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the City of Urbandale. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead the City of Urbandale to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. If the City's background check includes a criminal record check and the check indicates that the applicant has a criminal history, the applicant will be given an opportunity to provide information regarding his/her criminal history. A criminal conviction does not automatically bar an applicant from employment.

At any time during employment, additional checks, such as a driving record or credit report, may be made if appropriate and job related.

The City of Urbandale also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

## NOTIFICATION OF ARRESTS AND OTHER GOVERNMENTAL ACTION

Employees are expected to perform their assigned jobs, respect and follow City policies, and obey the law. In the event that employees are arrested or receive a citation for any crime, have any criminal charges filed against them, receive notice of the disposition of any criminal charges pending against them (including, but not limited to, a conviction, a guilty plea, a plea of nolo contendere (no contest), or deferred judgment) or receive notice of any charges relating to operating a motor vehicle while intoxicated, they must notify the Director of Human Resources. Notification to the Human Resources Director must occur within five (5) business days of notification to the employee.

Employees whose duties require possession of a Commercial Driver's License and/or who regularly and frequently operate City vehicles must report all charges and citations, including traffic tickets such as speeding tickets. Other employees need not report such traffic tickets.

Employees who have any contact with minor children must notify the Human Resources Director of any child abuse complaints filed against them. Employees must notify the Human Resources Director regarding the findings in any complaint against them alleging child abuse. The Human Resources Director must be notified of any complaints and findings within five (5) business days of notification to employee. Additionally, employees who have contact with the senior or elderly population must notify the Human Resources Department of any elder abuse complaints filed against them. Employees must notify the Human Resources Director regarding the findings in any complaint against them alleging elder abuse.

Information relating to arrests, criminal charges and child or elderly abuse complaints will be treated as confidential and maintained as part of the employee's personnel file. Employees who do not notify the City as required by this policy may be subject to disciplinary action up to and including termination.

## EMPLOYMENT OF RELATIVES

The City of Urbandale wants to ensure that City practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer. Close relatives, partners, those in a dating relationship, and members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins and domestic partner relatives.

If an employee begins a dating relationship, or becomes a relative, partner or member of the same household with an employee who is in a supervisory position to the employee, that employee is required to inform his/her supervisor and the Human Resources Director of the relationship.



The City of Urbandale reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

## SEPARATION OF EMPLOYMENT

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### **Resignation**

Although the City hopes that employment will be a mutually rewarding experience, the City understands that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice, preferably in writing, to facilitate a smooth transition out of the organization. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.

### **Retirement**

Employees are expected to give as much notice as possible to the Department Director or Human Resources Director of their intent to retire. Such notice shall be in writing. Application for retirement benefits should be made directly to IPERS or MFPRSI.

### **Termination**

Employees of the City of Urbandale are employed on an at-will basis, and the City retains the right to terminate an employee for any reason and at any time, except as otherwise provided by law or by the terms of a collective bargaining agreement. Termination during the employee's probationary period shall be without right to appeal and in the case of Civil Service employees, as provided by Chapter 400 of the Code of Iowa. Temporary employees, including seasonal, may be terminated by the Department Director for any lawful reason without right to appeal.

### **Layoff**

In general, when the number of employees in a class is diminished, employees shall be laid off in the reverse order of seniority in the class or classes affected. If such an employee has served previously in a lower Civil Service class, the employee may replace ("bump") the least senior employee in that class. In such cases, seniority in the higher class shall be combined with seniority in the lower class to determine relative seniority in the lower class.

The layoff procedures for employees not holding Civil Service rights shall be in accordance with the principles established by Chapter 400, except that there will be no preferred list for non-Civil Service positions.

Accrued vacation leave will be paid upon layoff. An employee who accepts permanent part-time employment in lieu of layoff may receive payment for all accrued vacation, or may elect to retain any or all accrued vacation up to the maximum allowable for the status of the new position, and receive payment for any remaining balance. Accrued sick leave will be frozen for a period of one year from the date of layoff. If the employee is not rehired by the City into a full-time or permanent part-time position within one year, the accrued sick leave is forfeited.

### **Employee Exit Questionnaire**

Employees leaving the City of Urbandale will be asked to complete a confidential exit questionnaire. Responses to the questions will assist Human Resources in evaluating the conditions of employment within the City of Urbandale and the competitive position of the City of Urbandale in the employment market. Participation is voluntary.

### **Rehire**

Former employees who left the City of Urbandale in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resource department, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resource Director prior to rehiring a former employee. Employees who retire or voluntarily resign and are eligible for re-employment will be given pro-rated credit for previous years of service with the City for the purposes of paid leave accruals and service anniversaries if re-employment into a non-bargaining position occurs within one year from the separation date. Re-hires may be subject to new hire probationary periods and benefits eligibility waiting periods.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

**Separation of Employment**

The separating employee must return all City property at the time of separation, including and not limited to, cell phones, keys, PCs and identification cards. Failure to return some items may result in deductions from the final paycheck. An employee will be asked to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck. Accrued unused vacation leave and any accumulated compensatory time will be paid on the pay date following the last paycheck/direct deposit.

Health insurance terminates the last day of the month of employment, unless an employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the insurance premiums through the end of the month.

Employees may not use accrued paid leave or paid holidays to extend their final day of employment. The last actual working day will be considered the final day of employment.



## SECTION 4: GRIEVANCE PROCEDURE

The purpose of these grievance procedures is to assure fair and equitable treatment for all employees not covered by a union contract, including supervisors and managers; to promote harmonious employer-employee relations; to establish a review procedure on matters covered by this handbook for which an appeal and hearing are not specifically provided by law; to provide employees a systematic means for receiving full consideration of problems when efforts to resolve them through discussion have failed; to encourage the settlement of disagreements as near as possible to the point of origin; when necessary to provide an orderly procedure to handle the review and resolution of disagreements by successively higher supervisory levels; and to provide for resolution of disagreements as quickly and efficiently as possible.

The City Manager, or designee, shall have the authority to resolve grievances on behalf of the City in those situations where the City Manager has partial or complete jurisdiction and for which an appeal procedure is not specifically provided by law or otherwise provided in these policies and procedures.

### GRIEVANCE PROCEDURES

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1. Grievances may be initiated only by the affected employee. At any level in the review process, the employee may request the assistance of another person to prepare and/or present the employee's case.
2. Whenever possible, grievances will be handled during the regularly scheduled work hours of the parties involved. For purposes of this policy, working days will be Monday through Friday, excluding City of Urbandale holidays. The employee and the employee's representative may use a reasonable amount of work time, as determined by the employee's department director, to prepare and present the grievance.
3. The parties to the grievance may extend the time limits specified in the grievance procedure by mutual agreement. Upon failure of the City to comply with the time limits set forth in the procedure, the employee may proceed to the next level of review. Failure of the employee to comply with the time limits set forth in the procedure shall constitute an abandonment of the grievance.
4. The employee is assured freedom from reprisal from the City or its representatives for using the grievance procedure.
5. Records of grievance proceedings and supporting documentation will be maintained separately from the employee's personnel record.

#### **Informal Grievance Procedure**

An employee who has a problem or complaint should first try to get it settled through discussion with the immediate supervisor. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to discuss it with the supervisor's immediate superior, proceeding to department director, if any. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. An informal appeal shall not be taken above the department director.

#### **Formal Grievance Procedure**

If the employee is not in agreement with the decision reached by the informal grievance procedure, a formal appeal shall be filed in writing within ten working days after the event giving rise to the grievance, or within five working days of the discussion between the grievant and the supervisor, whichever is later. In cases where the employee learns of the event after its occurrence, the ten days shall begin with the time the employee learned, or had reasonable opportunity to learn, of the occurrence. The following are the steps that should be followed for a formal grievance:

##### Step One:

The appeal shall be presented in writing to the employee's immediate supervisor, who shall render a decision and comments in writing to the employee within five working days of receiving the appeal. If the employee does not agree with the supervisor's decision, or if no answer has been received within five working days, the employee may present the appeal in writing to the supervisor's immediate superior. Failure of the employee to take further action within five working days

after receipt of the written decision of the supervisor, within a total of ten working days if no decision is rendered, will constitute abandonment of the appeal.

Step Two:

The supervisor's immediate superior shall render a decision and comments in writing to the employee within five working days of receiving the appeal. If the employee does not agree with the decision, or if no answer has been received within five working days, the employee may present the appeal in writing to the department director. Failure of the employee to take further action within five working days after receipt of the decision, or within a total of ten working days if no decision is rendered, will constitute abandonment of the appeal.

Step Three:

The department director or a designated representative shall discuss the grievance with the employee, the employee's representative, if any, and with other appropriate persons. The department director shall render a decision and provide comments, if any, in writing to the employee within five working days of receiving the appeal. If the employee does not agree with the decision reached, or if no answer has been received within five working days, the employee may present the appeal in writing to the City Manager. Failure of the employee to take further action within five working days after receipt of the decision, or within a total of ten working days if no decision is rendered, will constitute abandonment of the appeal.

Step Four:

The City Manager or designee shall discuss the grievance with the employee, the employee's representative, if any, and with other appropriate persons. The City Manager may designate a fact-finding committee, an officer not in the normal line of supervision, or the Civil Service Commission, to advise the City Manager concerning the appeal. The City Manager shall render a decision in writing to the employee within ten working days of receiving the appeal. The City Manager's decision will be final.

Extensions may be granted if both parties consent or if one of the parties is unavailable within the outlined timeframe.

## SECTION 5: COMPENSATION

The purpose of the City of Urbandale's non-union compensation system is to support the recruitment, motivation, success, and retention of qualified and productive employees and to encourage and reward activities that promote the City of Urbandale. To that end, the City of Urbandale desires to recruit and retain individuals who are customer-oriented, demonstrate initiative, are team players, and accept responsibility, authority and accountability for work performance. The City will offer appropriate developmental opportunities and recognize performance with incentives for employee success, retention, and professional development. The City of Urbandale will administer this in an open, fair, and equitable fashion.

The objectives of the City of Urbandale's compensation program are:

- To establish a salary range for each job that is based on a systematic blending of the job's skills required to perform a job and the competitive labor market
- To establish a system that is fiscally sound and cost effective
- To provide a compensation program that is understood by employees.
- To provide an equitable pay system comparable to other jobs in the City of Urbandale with comparable jobs in other organizations
- To provide a pay system that can be easily administered and maintained
- To comply with federal, state and local laws

### WAGE PAYMENT COMPLAINT POLICY

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It is the policy of the City to comply with all applicable laws with respect to payment of wages and benefits to employees including laws such as the federal Fair Labor Standards Act and the Iowa Wage Payment Collection Act. The City will not make pay deductions that violate either the federal or state laws.

Any employee who believes that the City has made an inappropriate deduction or has failed to make proper payment regarding wages or benefits is encouraged to immediately consult with the appropriate supervisor. Alternatively, any employee may file a formal written complaint with the City Clerk. Within 15 business days of receiving the complaint, the City Clerk will make a determination as to whether the pay deductions were appropriate and provide the employee with a written response that may include reimbursement for any pay deductions that were not appropriately made.

This complaint procedure is available in addition to any other complaint process which also may be available to employees.

If, for some reason, an overpayment of wages occurs, employees will be given the option of paying back the amount overpaid in a lump sum, or, they may elect to pay the overpayment back over a series of payrolls.

### PAY RANGES

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Pay range minimums, midpoints, and maximums will be established annually for approval by the City Council. Pay ranges are determined for each job after periodic review of salary surveys reflecting like jobs. The salary range/grade structure shall be designed to reflect the levels of responsibility for the various job classes within the City of Urbandale. Benefits will be considered as part of the total compensation. As a result, the value of the City of Urbandale's benefits package will be taken into consideration in determining appropriate compensation levels.

Salary guidelines are intended to balance the internal consistency and equity of the compensation system, while being responsive to the labor market. Below are the City of Urbandale's salary guidelines:

1. The starting salary shall be at least the minimum of the salary range.
2. The following factors may be considered in determining an appropriate starting salary:

- a. Current salary rates for the specific classification in the relevant market.
  - b. The qualifications of the candidate relative to the needs of the position and the qualifications of other available candidates.
  - c. The relative success of the current recruitment, and relevant prior recruitment history for the classification.
  - d. Internal equity with current incumbents of the position, with regard for qualifications and length of service.
3. For supervisory positions, the level of responsibility and salaries of subordinates; however, this will not be the sole determining factor and it is not intended that the salary of a supervisor shall exceed that of all subordinates in every case.
  4. Benefits will be considered as part of the total compensation. As a result, the value of the City of Urbandale's benefits package will be taken into consideration in determining appropriate compensation levels.
  5. All starting salaries must be coordinated with the Human Resources Director.

## PROMOTIONAL SALARIES

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Upon promotion to a class in a non-union pay grade with a higher maximum salary, an employee shall receive the minimum salary of the higher range or at least 5% over the employee's current salary, whichever is more; the City reserves the right to coordinate promotional salaries in order to maintain internal equity of incumbents within a given job classification. The higher salary shall become effective on the date of promotion. All promotional salaries must be coordinated with the Human Resources Department.

## STEP INCREASES

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Beginning January 1<sup>st</sup>, 2020 step increases may be granted to full-time and permanent part-time non-union employees by step advancement within pay ranges. Step increases shall become effective January 1 of each year, except as otherwise provided in these policies or other contracts. In order to be eligible for a one-step increase on January 1<sup>st</sup>, an employee must be hired prior to October 1<sup>st</sup> or promoted into their new classification prior to October 1<sup>st</sup> and they must have satisfactory job performance. If hired or promoted after October 1<sup>st</sup>, the employee will not move steps until the January 1<sup>st</sup> following their one-year anniversary in classification. In addition, if an employee is on a performance improvement plan, they will not automatically advance to the next step in their pay range on January 1<sup>st</sup>, but rather step advancement will occur when their job performance is deemed acceptable.

If an across-the-board increase to salary ranges is approved by City Council through the annual budgeting process, salary rates will automatically increase by the percentage or amount approved on July 1<sup>st</sup> in the given year.

## DEMOTION AND TRANSFER

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A voluntary or involuntary demotion may be made to a vacant position in a classification with a lower maximum salary. An employee who is voluntarily or involuntarily demoted must possess the minimum qualifications for the lower position.

A demoted employee's salary shall be the employee's current rate of pay or the maximum of the salary range for the lower class, whichever is lower, except that an employee who receives an involuntary demotion may also be subject to a salary reduction. A demoted employee's pay rate shall be effective with the first day that employee assumes the duties of the lower class.

When a demotion is made for reasons other than disciplinary action, the Human Resources Director and the Department Director may authorize continuation of an employee's present salary, even if it is above the maximum of the new class. In such cases, the employee shall not be eligible for base pay increases until the scale maximum exceeds the employee's salary.

Except where limited by statute, a voluntary or involuntary transfer may be made to a vacant position in the same classification, in the same department or in another department.

A transferred employee's salary shall be the employee's current rate of pay, except that an employee who receives an involuntary transfer may also be subject to a salary reduction.

## RECLASSIFICATION

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An employee whose position has been reclassified to a classification with a higher maximum salary shall receive at least the minimum salary of the higher salary range or the salary received prior to the reclassification, whichever is higher. In cases where the employee has performed the duties of the higher class for a period of time sufficient to demonstrate proficiency, a salary increase may be authorized. In cases where an employee's position has been reclassified to a classification with a lower maximum salary shall be the employee's current rate of pay or the maximum of the salary range for the lower class, whichever is lower.

## WORKING OUT OF CLASS

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No employee shall be required to perform duties which are not closely related both in kind of work and in level of responsibility to duties normally assigned to positions in the class or to a lower class, except on a short-term temporary or emergency basis. A non-union employee may receive out-of-class pay only when the work is in a higher class and the department director designates the duties being performed as working out-of-class.

## VACANCY BECAUSE OF RESIGNATION, TERMINATION, DEATH, LEAVE OF ABSENCE

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In the event of a vacancy caused by resignation, termination, death, leave of absence, etc., an employee may be temporarily assigned to the duties of a higher classification. The replacement non-union employee shall receive up to 5% over the employee's current salary beginning with the first day that the new duties are assumed.

## SHORT-TERM ABSENCES

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Employees who replace others because of a short-term absence such as normal sick leave and vacation time shall be compensated at the out-of-class rate for any time beyond two normal work weeks. However, under normal circumstances, employees whose job classifications are defined as assistants, such as assistant department directors, will not be compensated except as provided for in the vacancies above.

## OTHER TYPES OF TAXABLE INCOME

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In accordance with the IRS Fringe Benefit Guide, the City is required to tax employees on certain types of payments; for example, on-the-spot awards, wellness incentives, some uniforms/clothing, some meals under certain circumstances, and other items as defined by the IRS. In general, the IRS allows the City to accumulate and tax these items once per year for any twelve-month period. These items are paid throughout the year at gross amounts. Then, once per year, as allowed by the IRS, these amounts will appear on the employee's paystub under the category of "taxable only item".

Specifically, if the City requires an employee to wear a city-logo'd uniform item, the City does not consider those items to be taxable under the IRS Fringe Benefit Guide, as they are not deemed wearable for other non-City work related purposes. Further, employees that are NOT required to wear city-logo'd items, but choose to do so, will see the cost of those items as taxable income per the IRS rules. The clothing allowance amount for those in the Labor Union will be \$625 annually. Other job classifications that encompass duties including outdoor field work will have clothing allowances as determined by their respective departments. Any monies expensed under the clothing allowance within 60 days of an employee's

separation date, will be refunded by the employee to the City prior to the last day of employment. For newly hired employees, the clothing allowance will be prorated quarterly based upon start date from July 1st of each year forward.

For those employees in the Labor Union, the up to \$200 repair or replacement of prescription safety glasses damaged or destroyed in a work-related accident, is NOT considered taxable income to the employee.

## **WORK REPORTING AND OVERTIME**

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A work hour is any hour of the day that is worked and should be recorded to the nearest quarter of an hour. The workday is defined as the 24-hour period starting at 12:00 a.m. and ending at 11:59 p.m. The workweek covers seven consecutive days beginning on Sunday and ending on Saturday.

Employees will submit their time record weekly as directed by their supervisor. Each employee is to maintain an accurate daily record of his or her hours worked. It is the employee's responsibility to review and submit their time worked via the city's timekeeping system. Further, log-in information to the time-clock system should not be shared, nor should employees ever clock in or out for other employees, or approve time records they know to be inaccurate; behavior of this type constitutes misconduct and will be subject to discipline up to and including termination. All absences from work schedules should be appropriately recorded.

### **Flex Time**

Department directors may establish varying hours of work for certain positions or work units, provided that productivity and public services are not adversely affected. These will normally be within the limits of the 8-hour day and 40-hour week. A Department director may alter or eliminate any flex time arrangement for any employee at any time.

### **OSHA Regulations for Restroom Breaks**

OSHA's sanitation standard for general industry, 29 CFR 1910.141, provides employees with toilet facilities, in toilet rooms separate for each sex, based on the number of employees at a job site. This standard is intended to ensure that the City provides employees with sanitary and available toilet facilities, so that employees will not suffer the adverse effects that can result if toilets are not available when employees need them. The need to use a toilet facility varies among each employee and OSHA does not set a number of breaks required or time needed per break. Breaks should be reasonable and not excessive, unless medically necessary.

Breaks for expressing breast milk are covered in a section 7-Lactation of this handbook.

### **Rest Breaks and Meal Periods (Non-Exempt Employees)**

Employees may take up to a 15-minute rest break in the morning and in the afternoon, as workload allows, and this break time shall be considered paid time. Lunch or other meal periods will be not more than one hour or less than 30 minutes, and these meal periods are unpaid. Lunch or other mealtimes shall not be combined with paid rest break times.

For part-time employees, either a lunch and/or work break may not be applicable to the employee's schedule; but when applicable, the employee should follow the above guidelines.

### **Overtime and Compensatory Time**

The *Fair Labor Standards Act* (FLSA) was created to establish a minimum wage, limit the number of hours that may be worked in a standard work week at the regular base wage, and provide specific requirements for determining whether a job is eligible for exemption from the overtime provisions of the act. Human Resources determines whether a position is *exempt* (salaried) or *non-exempt* (hourly) by interpreting and applying the provisions of the act.

Supervisors must give prior approval for all overtime worked. During busy periods or due to the requirements of the job, employees may be required to work extended hours. Accumulation of compensatory time versus payment of over-time is at the discretion of the Department Director. If a non-exempt employee promotes to an exempt position, the compensatory time bank will be cashed out at the time of promotion, or worked down prior to the end of the calendar year of promotion with permission of the Department Director and the Human Resources Director.

### **Non-Exempt employees**

With the exception of those stated herein, all non-exempt employees whose total work and/or leave hours exceed (40) hours in a standard work week are eligible for overtime or compensatory time. Compensatory time is calculated at a rate of one and one-half times the excess hours worked in overtime calculated at the rate of one and one-half times the employee's regular (FLSA) rate of pay for excess hours worked. Non-shift non-union employees may be allowed to accrue and carryover up to 40 hours of compensatory time each calendar year. Labor union employees may be allowed to accrue and carryover up to 80 hours of compensatory time each calendar year. Police and Fire shift non-union employees may be allowed to accrue and carryover up to 120 hours of compensatory time each year with the option to sell-back any number of accumulated compensatory hours in December.

### **Call Back Pay**

Employees who have left work and are called back shall receive overtime, compensatory time, or a minimum of two hours overtime pay, whichever is greater.

### **Work on Holidays and Sundays**

Non-exempt employees who are required to work on holidays shall receive double time in cash or compensatory time for all time worked on the holiday in addition to holiday pay. Non-exempt employees who are on a traditional Monday through Friday work week and are required to work on a Sunday shall receive double time in cash or compensatory time for all time worked on a Sunday. Double time on Holidays and Sundays in accordance with this policy shall be applied to the two hour call back minimum.

### **Employee Travel and Reimbursement**

Travel for staff must be authorized in advance. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements. For more details, refer to the City intranet for detailed travel policies, procedures and authorization and reimbursement forms.

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees will be paid for travel time in accordance with federal and state wage payment laws.

## **INCLEMENT WEATHER**

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### **Closed or Delayed Operations**

In the event that any part of the City's operations is closed or delayed by order of the City Manager, or designee, due to weather conditions, employees of the affected operations who were scheduled to work may be excused from duty. When a decision has been made to stop work or decrease hours of the scheduled shift, all employees available for work at that time will not be paid, but can take personal, vacation or compensatory time.

*\* Please refer to your bargaining agreements to see if this is part of your contract.*

An employee of a work unit scheduled for duty who is unable to report to work due to adverse weather conditions may request an excused absence from the immediate supervisor prior to the start of the regular workday. The supervisor shall decide whether an excused absence due to weather is justified. If not granted by the supervisor, the employee shall be required to report to work at the scheduled time. If an excused absence is granted, the employee may use his/her paid vacation, personal or compensatory leave time.

### **Communication of Closings and Emergencies**

Decisions to close or delay City operations will be made by the City Manager, or designee. It will be the responsibility of departments to inform or attempt to inform employees of work closings as early as possible. Employees who have not been contacted by department management are expected to check with their supervisors if uncertain whether to report to work.

This policy may also be invoked in the event of other types of emergencies (e.g., toxic material hazard, epidemic, etc.)



## SECTION 6: BENEFITS

For more information regarding benefit programs, please refer to the City's Summary Plan Descriptions, which are located on the City website, or contact the Human Resources department.

### ELIGIBILITY

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Health insurance coverage is available to all full-time and permanent part-time employees who work at least 30 hours weekly and includes medical, dental, vision, prescription, and optional flex benefits as outlined in the plan summary documents. The plan design and specific offerings will be determined by the City of Urbandale.

The City of Urbandale shares the cost of the premium for coverage with full-time and permanent part-time employees. Health insurance coverage is effective the first of the month following the first day of employment.

### LIFE INSURANCE

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The City of Urbandale provides term life insurance coverage, including accidental death and dismemberment for full-time regular employees equal to one-times their annual salary rounded to the nearest \$1,000 at no cost to the employee. Permanent part-time employees who work at least 30 hours a week have the option to participate and are required to pay one-half the monthly premium rate for coverage in the amount of \$10,000. Voluntary supplemental life insurance is also available to all benefited employees.

### LONG-TERM DISABILITY INSURANCE

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The City of Urbandale provides long-term disability coverage for all full-time, non-union employees.

The Municipal Police and Fire Retirement Systems provide disability benefits to their respective members when they become incapacitated for further performance of their duties. Coverage is effective upon membership. Benefits vary according to the nature of the disability. Chapter 411 of the Code of Iowa should be consulted for specific details regarding eligibility and limitations.

### PART-TIME AND SEASONAL EMPLOYEES

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Permanent part-time employees working less than 30 hours weekly, part-time, and seasonal employees are not eligible for insurance coverage unless specified by contract. An employee who works in more than one capacity for the City of Urbandale shall not receive a higher level of benefits (i.e., insurance, sick leave, vacation leave and the like) than that to which the employee is entitled for any one of the positions. There shall be no additive effect on benefits because an employee serves in more than one capacity for the City of Urbandale.

### COBRA BENEFITS

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As provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, the City of Urbandale shall offer employees and covered dependents the opportunity to continue group health (medical, dental and vision) insurance benefits beyond the normal coverage termination dates. When an event occurs that might otherwise disqualify an employee or dependent for group health insurance coverage (i.e. separation from employment, divorce, etc.), an individual may continue the present level of benefits by contributing an amount equal to the total premium plus a 2% administrative fee. The period during which an individual may continue benefits varies depending on the reason for the loss of eligibility. The City of Urbandale's COBRA administrator will notify the employee of continuation rights at the time that an employment-related event occurs which may affect the employee's eligibility for insurance coverage. If an individual qualifies for COBRA benefits due to a qualifying event such as divorce, the employee or a family member must also notify the Human Resources Department. This notice should be given before the qualifying event, or as soon as possible thereafter, but not more than 30 days after the qualifying event.



## FLEXIBLE SPENDING

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The City of Urbandale provides a cafeteria plan that meets the requirements of IRS Section 125 for pre-tax payroll deductions into a medical flexible spending account and/or dependent care flexible spending account. Employees are eligible for enrollment into either/both medical and dependent care flexible spending accounts at the time of hire or upon a qualifying event. Enrollment is for a calendar year and the employee's pre-tax deductions will take place equally over twenty-four (24) pay periods of the twenty-six (26) pay periods (i.e. there are no deductions taken out of the third pay period that occurs for two months of each calendar year), or over the remaining pay periods, if enrolled midyear.

Employees may utilize their full elected amount in their medical flexible spending account prior to contributing the full amount by payroll deductions. Future calendar year payroll deductions will continue until the full elected amount is reached.

Employees enrolled in dependent care flexible spending accounts can only seek reimbursement for funds already payroll deducted.

Flexible spending accounts have a "grace period" which allows employees to incur expenses until March 15th following the end of the plan year. Employees have March 31<sup>st</sup> to submit claims for reimbursement from the prior plan year. Flexible spending accounts have the "use it or lose it" provision, in which any unused funds in the employees account past the plan year and "grace period" are returned to the City of Urbandale.

Employees who separate employment from the City of Urbandale will have their flexible spending accounts end on the date of their last contribution to their flexible spending account or their last day of employment, whichever is last.

## LENGTH OF SERVICE RECOGNITION

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The City of Urbandale appreciates and recognizes the importance of your continued service with the City. All regular full-time and part-time employees will be presented a Service Award commemorating your service after your 5th, 10th, 15th, 20th, 25th and 30+ years of employment with the City.

## RETIREMENT

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Under Iowa Code section 509A.13, regular employees who reach normal retirement with the City of Urbandale, who are enrolled in the City's health plan, and who are under the age of 65, are eligible to continue participation in the City's group non-union health plan at the retiree's expense until they attain Medicare eligibility, typically at the age of 65. Please note eligibility to continue participation in the non-union health plan is dependent upon the employee meeting the terms of normal retirement and normal retirement age (no reduction in benefit due to early retirement) as defined by the appropriate retirement system (IPERS or MFPRSI) in which they are a member AND the employee must actually retire and receive benefits under the appropriate retirement system (bona fide retirement). The continuation rights provided by Iowa Code section 509A.13 also include the eligible retiree's spouse and dependents who are participants in the City's health plan at the time of the employee's retirement.

Employees who have a bona fide retirement at normal retirement age (no reduction in benefit due to early retirement) between the ages 55-64 will receive one month paid single health insurance coverage for each continuous year of full-time service. An employee retiring due to disability will have this same benefit if they are approved for retirement by the appropriate retirement system, IPERS or MFPRSI, in which they are a member.

For continuation eligibility in all other city-sponsored insurance plans, COBRA provisions apply.

## DEFERRED COMPENSATION

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The City of Urbandale provides a deferred compensation (I.R.C. Sec. 457) plan that meets the requirements of IRS pre-tax and post-tax payroll deductions. This program provides employees the opportunity to save for their retirement. All

employees are eligible to participate in the program and payroll (either pre-tax or post-tax) deductions will take place over their twenty-six (26) pay periods.

To encourage employees to take an active role in their retirement savings, the City of Urbandale provides a match to full-time employees who participate, up to 2% of the employee's annual base salary. The city match may vary for union covered employees depending upon each collective bargaining agreement.

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## EMPLOYEE ASSISTANCE PROGRAM

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Employees are eligible to participate in the Employee Assistance Program. This program provides confidential assessment and referral service through providers in the Des Moines Metro area. Employees and their eligible dependents may receive assistance with problems that may affect their work such as substance abuse, stress, marital or family problems, mental health concerns, financial difficulties and legal issues. In addition, supervisors may, with the approval of the Human Resources Director, make directed referrals as part of a corrective performance management or progressive discipline plan. Employees can contact the EAP at (515) 244-6090 or on their website at [www.efr.org/eap](http://www.efr.org/eap).

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## WORKER'S COMPENSATION

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The City of Urbandale is covered under statutory state workers' compensation laws. Employees who sustain work-related injuries must immediately notify their department supervisor.

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## TUITION REIMBURSEMENT (NON-UNION ONLY)

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The City of Urbandale supports our employees who wish to continue their education to secure increased responsibility and growth within their professional careers. In keeping with this philosophy, the City has established a reimbursement program for expenses incurred through pre-approved institutions of learning. Full-time non-union employees who have completed their probationary period are eligible for participation in this program as long as the courses are job-related. It is the employee's responsibility to seek out the institution that will enhance his or her career development and are in line with the City of Urbandale and the Department's mission.

### **Procedure**

Professional development can include college credit courses and continuing education unit courses in pursuit of a degree, and certification tests or programs that once acquired will assist the employee in performing his or her essential job functions and increase the employee's contribution to the City of Urbandale.

Employees must request permission from their Department Director for review and approval to attend and to receive reimbursement for a desired degree or program. The request must include applicable course of study, purpose, job relevance, cost, dates, times of coursework and name of the institution or source of training.

The pre-approval section of the tuition reimbursement form should be completed and all the appropriate signatures obtained prior to enrolling. The employee should bring the form to HR and a copy will be filed in the employee's file.

Upon satisfactory completion of the coursework, the employee must provide documentation to support completion and payment in order to receive reimbursement. Expenses must be validated by receipts, and a copy of the final grade card or certification must be presented to show hours or certification received. Reimbursable expenses must be submitted for payment within 90 days from the end of the semester/term or program.

### **Reimbursement Amounts:**

- Degree Programs: Grades A – C = 75% reimbursement
- Any grade less than a "C" is not eligible for reimbursement
- A Pass/Fail course or certification = 75% reimbursement if passed successfully

- Reimbursement will be up to \$4,500 per calendar year, with a lifetime maximum of \$18,000

Expenses eligible for 75% percent reimbursement include tuition, registration and required fees such as building use and lab fees. Books required to satisfactorily complete a course are reimbursed at 75% of their cost. Other miscellaneous expenses, such as parking, supplies, social dues, athletic fees, computer access charges, etc., are not reimbursable.

If a required class is available only during regularly scheduled work hours, the employee may submit a written request to his or her Department Director and the Human Resources Department explaining the circumstances. Recommendation from the Department Director is required. Prior approval of both the Department Director and the Human Resource Department is needed before registering or attending such a class. If approved, the time away from work must be made up during the same workweek; otherwise it will be deducted from the employee's available vacation, personal or compensatory leave time.

As a matter of record, employees accepting the terms of this policy will be required to provide written authorization of the acceptance, as well as an agreement to repay the City the following percentages preceding the employee's termination date.

The employee must pay 100% of any tuition reimbursements received during the twelve-month period preceding the employee's termination date and the employee must repay 50% of any tuition reimbursements received 13-24 months prior to the employee's termination date.

# SECTION 7: TIME OFF/LEAVE OF ABSENCE

## HOLIDAY PAY

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The following shall be holidays for non-union employees of the City of Urbandale:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day following Thanksgiving Day
- December 24<sup>th</sup> (or the last working day prior to Christmas Day)
- Christmas Day

When a recognized holiday falls on Saturday, it shall be observed on the preceding Friday. When a recognized holiday falls on Sunday, it shall be observed the following Monday. Police Officers and Fire Fighters shall recognize holidays in accordance with the collective bargaining agreements.

Permanent part-time employees working will earn holiday benefits at half or three-quarter the rate of full-time employees, depending on their status of regularly working 20 or 30 hours weekly. Regular and probationary employees and shift personnel shall not be required to be on duty on holidays, unless the employee's services are required for an emergency in performance of an essential public service, in which event any such employee shall be compensated at double the normal hourly rate of pay. Such pay will be in addition to regular holiday pay. Exclusions to this are 24-hour operation departments including employees in the Fire, Police and Labor collective bargaining agreements.

Seasonal or part-time employees are not eligible for holidays.

An employee may exchange comparable holidays applicable to his/her religious orientation and/or ethnic identity. A holiday exchange is contingent on the following: the employee seeks the holiday exchange by providing a written request at least four weeks in advance; the pay rate is equal to the employees regular pay rate for the holiday voluntarily worked and the holiday voluntarily deferred by the employee; and the employee's regular job site is available as the work place, if the employee usually works without supervision, or an alternative job site is available if the employee usually works under supervision.

- 1) The Department Director will respond in writing to the employee's request within five working days, either to approve or deny in whole or in part, the request.
- 2) If approved, the Department Director will provide written notification to the Human Resources Director at least two (2) weeks prior to the payroll that is affected by the holiday exchange. The Department Director will indicate the employee's holiday exchange arrangements, including the holiday date(s) voluntarily worked and the future date(s) approved for the employee to use as the comparable holiday(s) exchange.

## PERSONAL TIME

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In honor of important dates and holidays not recognized in the City's holiday pay policy, a full-time employee who enters employment with the City of Urbandale after January 1<sup>st</sup> or a full-time employee who is employed as of January 1<sup>st</sup> is eligible for 24 hours of Personal Time. Permanent part-time employees will earn personal time benefits at ½ (12 hours) or

¾ (18 hours) the rate of full-time employees, depending on their status of regularly working 20 or 30 hours weekly. Part-time and seasonal employees do not earn personal time.

Department Directors will schedule such personal time leaves with regard to the department’s operating requirements and responsibilities. No employee shall be permitted to waive such leave for the purpose of receiving double pay.

**Carryover**

Carryover is defined as the employee’s unused personal time accrual balance existing as of December 31. Employee payroll checks/direct deposit stubs show the personal time accrual balance. Any unused personal time accrual balance will automatically be lost as of December 31.

**Leave Due to Separation of Employment**

Any employee leaving the employment of the City of Urbandale shall not be compensated for personal leave credited and unused by the date of termination.

**ANNUAL VACATION LEAVE**

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Vacation shall be accrued based on consecutive years of full-time service. Hours worked in a part-time capacity will be factored into the employee’s prorated accrual date. An eligible employee who enters the employment of the City of Urbandale on or prior to the fifteenth (15<sup>th</sup>) day of the month or who leaves the employment of the City of Urbandale after the fifteenth (15<sup>th</sup>) day of the month shall receive leave for that month. Leave accruals will be applied on the second pay period of each month.

**Non-Union Non-Shift Employees**

Calendar Years Worked	0-4 years	5-9 years	10+ years
Full-time	10.00 hours/month	13.33 hours/month	16.66 hours/month
PPT30	7.50 hours/month	10.00 hours/month	12.50 hours/month
PPT20	5.00 hours/month	6.66 hours/month	8.33 hours/month

**Laborer Union Employees beginning July 1, 2024**

Calendar Years Worked	0-4 years	5-9 years	10+ years
Full-time	10.00 hours/month	13.33 hours/month	16.66 hours/month

**Fire Non-Union Shift Employees**

Calendar Years Worked	0-4 years	5-9 years	10+ years
Full-time 24-Hour Shift	14.00 hours/month	18.66 hours/month	23.33 hours/month

**Police Non-Union Shift Employees**

Calendar Years Worked	0-4 years	5-9 years	10+ years	
Full-time 12-Hour Shift	10.50 hours/month	14.00 hours/month	17.50 hours/month	
Full-time 8-Hour Shift	10.00 hours/month	13.33 hours/month	16.66 hours/month	

Part-time and seasonal employees will not earn vacation.

Maximum accrual for any category of employee earning vacation benefits is at the five-week (25 days) level.

Department Directors will schedule such vacation leaves with regard to the department’s operating requirements and responsibilities. No employee shall be permitted to waive such leave for the purpose of receiving double pay.

Vacation shall continue to accrue during periods of paid leave. However, vacation leave does not accrue during periods of unpaid leave.

**Holidays Occurring During Vacation Period**

In the event one or more municipal holidays occur during an employee’s scheduled vacation, such holiday time shall not be charged as vacation leave.

**Carryover**

Carryover is defined as the employee’s unused vacation accrual balance existing as of December 31. Employee payroll checks/direct deposit stubs show the vacation accrual balance. Any unused vacation accrual balance for full-time employees of 120 hours or less will automatically be carried over and any unused vacation accrual balance over 120 hours will be forfeited. Permanent part-time employees will be allowed to carry over 60 hours of any unused vacation accrual balance for ½ employees and 90 hours for ¾ employees. and will forfeit any unused vacation accrual balance over 60 hours existing as of December 31.

**Termination**

Any employee leaving the employment of the City of Urbandale shall be compensated for vacation leave credited and unused by the date of termination, provided he/she has successfully completed his/her probationary period and has given a minimum of two (2) weeks written notice to his/her Department Director, or in the case of a Department Director, the written two (2) week minimum notice shall be given to the Human Resources Director. Accrued vacation time may not be used to satisfy the two (2) week minimum termination notice requirements, unless the notice requirement is waived by the Human Resources Director.

Terminal vacation shall be added to the employee’s final payroll which may reflect prior days worked. Accrued unused vacation leave and accumulated compensatory time will be paid on the pay date following the last paycheck/direct deposit. The effective date of termination shall be the last day actually worked by the employee unless waived by the City Manager. Any monies owed by the employee to the City for repayment of professional development agreements, tuition reimbursement, etc. will be taken from the appropriate accrual balances prior to payout. If monies are owed, a complete explanation of accrual balances used for repayment will be provided to the employee by the Human Resources Department.

**SICK LEAVE**

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Sick leave is to be used in cases of actual personal illness, pregnancy, childbirth, or related medical conditions; personal injury; examinations and consultations with physicians and other health care providers licensed by the State of Iowa, including the City of Urbandale’s Employee Assistance Program; or as provided under any other City policy.

Employee Benefit Group	Monthly Accrual	Maximum Accrual Carryover Limit
Full-time Non-Union	8.00 hours/month	1,200 hours
PPT30 Non-Union	6.00 hours/month	900 hours
PPT20 Non-Union	4.00 hours/month	600 hours
Laborer Union Full-time	8.00 hours/month	1,200 hours
Police Non-Union Non-Shift and Shift	8.00 hours/month	1,200 hours
Fire Non-Union 24-Hour Shift	12.00 hours/month	1,680 hours

New employees hired on or after January 1, 2024 will receive the first twelve months of sick leave accruals upfront on the pay period in which they receive their first vacation accrual. Their regular monthly sick leave accrual schedule will begin after one full year of continuous eligible service.

Part-time or seasonal employees do not accrue sick leave.

Sick leave shall continue to accrue during periods of paid leave. However, sick leave does not accrue during periods of unpaid leave.

### Use of Sick Leave

To be eligible for paid sick leave, the employee must notify his/her immediate supervisor prior to the time set for beginning work or while at work and becoming sick. All sick leaves shall be approved by the Department Director. Because sick leave is conditional upon the qualifying circumstances listed above, an employee may be required to present proof of eligibility in the form of a doctor's note or other documentation.

It is the responsibility of supervisors to monitor sick leave usage and to counsel employees as appropriate. It is recognized that certain patterns of sick leave use may be indicative of abuse. Such patterns include but are not limited to: frequent absences of short duration, failure to maintain a sick leave accrual balance, and absences before or after a holiday or weekend. If management determines that an employee's sick leave usage fits such a pattern, the employee will be asked to explain the reasons for the absences, and may be required to submit a written plan, including a time frame, to improve attendance. The plan shall be reviewed by Human Resources and approved by the Department Director. If attendance does not improve as agreed, or if the employee refuses to cooperate, discipline may be imposed.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

Certain situations may be covered by the Family and Medical Leave Act (FMLA) which provides leave rights to employees under qualifying circumstances. Refer to the FMLA Policy for coverage of these medical conditions.

### Leave Time Donation

Donation of time from one employee to another is intended to offset the financial impact of a serious and prolonged or catastrophic illness due to a medical emergency of a fellow employee. Employees who are no longer able to be at work due to their own personal illness and are unable to perform their regularly scheduled duties and have exhausted or are close to exhausting their accrued balances (sick, vacation, compensatory time) may be eligible for sick leave donation. An employee is eligible for sick leave donation until the employee is eligible for Long Term Disability insurance coverage and/or any retirement system disability or retirement, or other state or federal assistance.

Employees are allowed to donate compensatory and/or vacation time to an employee eligible for sick leave donation. Requests to donate or receive leave time can be made by submitting a Leave Time Donation Form to the Human Resources Director for approval.

Once approved, the HR Department will open a ten (10)-day donation period for employees to donate their vacation and/or compensatory time to the eligible employee. Donated time will be deducted from the donating employee's accrued time bank(s) immediately. All donated time will be converted to a dollar figure (based on the donating employee's current hourly rate of pay). This dollar figure will be pooled together to create a pool of funds to be used by the eligible employee.

*Example:*

Employee Jane Smith donates 20 hours of vacation, at a rate of \$21.50 an hour.

$(20 \times \$21.50) = \$430.00$  donated

The pooled funds would be converted to sick time at the eligible employee's current rate of pay, as needed by the eligible employee, and converted to sick time. Those sick time hours will be used to provide the eligible employee with his/her standard hours of pay for the needed pay cycle.

*Example:*

Total pool equals \$12,050. Eligible employee, John Smith, has a rate of pay of \$27.25 an hour and he needs 80 hours for this pay cycle.

$(\$12,050 - (\$27.25 \times 80)) = (\$12,050 - \$2,180) = \$9,870$  pooled funds remaining and \$2,180 used funds

If the eligible employee exhausts the bank of funds and is still not able to return to his/her regular work duties, the employee's Director will be permitted to re-apply to the Human Resources Director for an additional donation period.

If the eligible employee is no longer in need of donated time, due to returning to regular duties at work, retirement or being eligible for other coverage, the un-used pool of funds will be calculated for return to those employees who had donated time.

Returned hours will be calculated based on the percentage of dollars contributed by the donating employee to the total donated. That percentage will be applied to the un-used total, and then allocated back to the donating employee. These funds will then be converted back to the donated time's type (compensatory or vacation). The conversion will be done at the donating hourly rate and applied back to the donating employee's vacation accrual.

*Example:*

Jane Smith donated 20 hours of vacation for \$430 or 3.6% of the total pool of \$12,050 is donated time. The un-used pool is \$2,400. Jane Smith's percentage was 3.6% of the total pool. 3.6% of \$2,400 is \$86.40. Jane's donating rate of pay was \$21.50 an hour and her returned vacation would be 4.018 hours.

$(\$430 / \$12,050) = 3.6\%$

$(\$2,400 \times 3.6\%) = \$86.40$

$(\$86.40 / \$21.50) = 4.018$  hours

### **Unused Sick Leave Payment**

No payment for unused sick leave credit shall be made upon separation from City of Urbandale, except in cases of retirement or death of a permanent full-time or permanent part-time employee. If an employee's retirement meets the requirements of the applicable retirement provisions (i.e. IPERS or MFPRSI), or upon his/her death, the employee shall be paid twenty-five percent (25%) of his/her daily salary based on his/her salary rate at the date of retirement or death for the balance of his/her remaining sick leave accrual.



### **Immediate Family Sick Leave**

If an illness in an employee's immediate family (spouse, domestic partner, child, step-child, parent or step-parent) requires his/her attention on an occasional basis, the employee may use his/her sick leave to attend to the family member's health concerns. This time is charged against the employee's sick leave balance and is limited to forty (40) hours in a calendar year. Such absences may also qualify as FMLA; refer to the FMLA policy.

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## **EMERGENCY LEAVE**

### **Immediate Family**

In case of serious illness or injury of an emergency nature in the immediate family (spouse, domestic partner, child, step-child, parent or step-parent), a regular full or permanent part-time employee may be granted a leave of absence with pay of up to five working days by the Department Director and the Human Resources Director. Serious illness or injury of an emergency nature refers to an urgent or life-threatening condition as defined by FMLA regulations. However, these events do not include the day of a scheduled operation or out-patient testing involving serious medical conditions.

### **Family**

In case of serious illness or injury of an emergency nature in the family (siblings, step-siblings, in-laws i.e. parents-in-law, step parents-in-law, siblings-in-law, step siblings-in-law, children-in-law, step children-in-law, grandparents, step-grandparents, grandparents-in-law, grandchildren, step-grandchildren, and any other relative living in the same household, a regular full-time or permanent part-time employee may be granted a leave of absence with pay up to two (2) working days by the Department Director and Human Resources Director. Serious illness or injury of an emergency nature refers to an urgent or life-threatening condition as defined by FMLA regulations. However, these events do not include, for example, the day of a scheduled operation or out-patient testing involving serious medical conditions.

### **Extension**

The Department Director and the Human Resources Director, at their discretion, may grant an extension of an additional two working days in instances where extensive travel or other circumstances warrant.

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## **BEREAVEMENT LEAVE**

### **Immediate Family**

In case of death in the immediate family, which includes, spouse, domestic partner, child, step-child, parent or step-parent a regular fulltime or permanent part-time employee may be granted a leave of absence with pay of up to five working days by the Department Director and the Human Resources Director.

### **Family**

In case of death in the family (siblings, step-siblings, in-laws i.e. parents-in-law, step parents-in-law, siblings-in-law, step siblings-in-law, children-in-law, step children-in-law, grandparents, step-grandparents, grandparents-in-law, grandchildren, step-grandchildren, and any other relative living in the same household) a regular full or permanent part-time employee may be granted a leave of absence with pay up to two (2) working days by the Department Director and the Human Resources Director.

### **Extension**

The Department Director and the Human Resources Director, at their discretion, may grant an extension of an additional two working days in instances where extensive travel or other circumstances warrant.

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## **VETERANS DAY**

City of Urandale employees who are Veterans shall be provided with holiday time off (unpaid or the employee may choose to use vacation, personal, or compensatory time) for Veteran's Day, November 11, if the employee would otherwise be required to work on that day. Employees who qualify shall provide the Department Director with at least one (1) month prior written notice of the employee's intent to take time off for Veteran's Day and shall also provide a federal certificate of

release or discharge from active duty, or such similar federal document, for purposes of determining the employee's eligibility for the benefit provided. The Department Director shall, at least ten days prior to Veterans Day, notify the employee if the employee shall be provided unpaid time off on Veterans Day. Employees may use their own paid time off if available. If the Department Director determines that time off is unable to be provided for Veterans Day for all employees who request time off, the Department Director shall deny time off to the minimum number of employees needed by the department to protect public health and safety or to maintain minimum operational capacity, as applicable.

## JURY DUTY

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Full and permanent part-time employees who are required to serve as a juror or as a witness for the Federal Government, the State of Iowa, or a political subdivision thereof, shall be entitled to be absent from work duties during the period of such service or while necessarily being present in court as a result of such call and shall be paid for such period of absence. Under such circumstances, the employee shall turn in any compensation received for such duty, except for mileage, parking, food or lodging. The employee shall return to work, if released from jury duty or witness service prior to the end of the employee's workday, unless the absence is excused by the supervisor.

## VOTING

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Based upon the schedule of hours of work for City employees, all employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, employees will receive up to three hours during the workday to vote. Time off for voting should be reported and coded appropriately on timekeeping records.

Application for such absence shall be made in writing individually by the employee to the department head prior to the date of the election, and the Department Director shall designate the period of time to be taken.

## VOLUNTEER TIME OFF

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Full-time and permanent part-time employees who work non-shift hours are eligible to volunteer for up to four hours in one occurrence at either the Urbandale Food Pantry or Urbandale Community Action Network (UCAN) each calendar year. Employees must have volunteer hours approved in advance by their Department Director who must notify Human Resources. Volunteer hours will be compensated as straight time and may not put an employee into an overtime situation. Employees are expected to adhere to the City of Urbandale's code of ethics while volunteering.

## MILITARY LEAVE

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This policy applies to all City of Urbandale employees qualifying under the provisions of Chapter 29A.28 of the Code of Iowa, other than those employed temporarily for six months or less. Included is any full-time employee who is a member of the National Guard, organized reserves, or any component of the military, naval, air forces, or nurse corps of the State of Iowa or the nation, or who may otherwise be inducted into the military service of the State of Iowa or of the United States.

Qualified employees will be granted up to 30 calendar days of military leave with pay each calendar year for the purpose of participating in active state or federal military service.

Military leave may not be carried over from one calendar year to the next; however, the annual 30 calendar days of military leave shall be available at the first of the year and may be used by an employee on a military duty assignment that is continuous from the end of one calendar year to the next.

Military leave shall be paid at the employee's regular rate of pay in effect at the time of the employee's military leave of absence. Absence is only required for those days on which the employee would normally perform duties for the City. For example, if an employee is ordered to participate in annual training for fourteen consecutive days and if during those days the employee would normally be required to work for ten days, then ten days of military leave would be required.

Where the employee's military duty is for a period of thirty (30) days or more, the employee is entitled to the amount of pay they generally receive in one month.

For employees who work on a shift system that enables the employee to perform military duty and to report to work on the same day, military leave shall be granted only for those scheduled work hours not worked, and shall be charged against the employees' annual military leave entitlement on an hour-for-hour basis. This provision shall apply only to weekend drills or other brief assignments.

Multiple, and/or consecutive short-term military duty assignments without calendar breaks or with calendar breaks which do not reasonably permit the employee in the interim to return to duty or to be available for duty if in a work assignment with an on-call status shall be considered as a single, uninterrupted period of Military Leave of Absence.

Military leave that exceeds the 30-day per calendar year allotment may be taken with pay if the employee utilizes accrued pre-approved vacation, personal days, and/or compensatory time. Military leave that exceeds the 30-day per calendar year allotment may be taken without pay at the request of the employee. This option is guaranteed by Chapter 38 of US Code, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

A payroll change form shall be prepared by the department to authorize each period of military leave of absence.

Records of military leave usage shall be maintained by the Human Resources department.

An employee must report back to work after a military leave of absence within the timeframes prescribed by USERRA.

### **Documentation**

A schedule of the monthly "weekend drills" shall be presented to the supervisor by the employee as soon as it is released by the military organization.

The employee shall present orders from the military organization directing the employee to report for active-duty service including weekend drills. In order to plan and organize workload, employees shall provide notice to their supervisor and Human Resources as soon as possible upon receipt of orders. It is the employee's responsibility to provide and submit all necessary information (such as unit's name, commander's name and phone number, or letter verifying leave to his/her supervisor) in order to facilitate the leave processes.

### **Work Schedules**

Where not in conflict with applicable collective bargaining agreements, the City of Urbandale reserves the right to set working days and hours such that participation in military leave activities can occur on the employee's non-scheduled workdays in order to maintain the maximum efficiency of the department.

Employees shall report for work at the beginning of the next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following release from military training, except as otherwise provided by the Uniformed Services Employment and Reemployment Rights Act of 1994.

### **Employee Status While Absent**

Employees on active military duty will not forfeit any pay or benefits during the first 30 calendar days of military service in each calendar year. Seniority will continue to accrue during periods of military leave whether paid or unpaid.

### **Performance Appraisals**

When an employee's military leave is of such duration as to make a scheduled performance appraisal impractical, the appraisal may be postponed until the employee has returned to City of Urbandale for a period equivalent to the normal appraisal period.

### **Pay Adjustments**

Employees on military leave will be eligible for any scheduled pay adjustments that would have occurred if they had not been on leave. Employees on a salary schedule will have their salaries adjusted by the amount of any general scale adjustment effective July 1.

### **Health and Dental Insurance**

Employees whose military service exceeds the 30-calendar day period shall be eligible to receive group health care coverage under COBRA provisions. Employees who elect COBRA and are either on paid or unpaid leave will have their COBRA rate(s) set to their employee contribution prior to their military leave.

### **Life Insurance**

The City of Urbandale paid life insurance coverage will be continued for up to one month after the employee has been deployed for more than 30-calendar days of military leave. Life insurance will be reinstated immediately upon an employee's return to regular duty.

### **Long Term Disability Insurance**

Long-term disability insurance, if applicable, is discontinued during periods of military leave exceeding 30-calendar days. Long-term disability insurance will be reinstated immediately upon an employee's return to regular duty.

### **Vacation, Sick Leave and Compensatory Time**

Vacation, personal and sick leave will continue to accrue during periods of paid military leave of absence. During periods of unpaid leave, the employee's vacation, personal and sick leave balances will be frozen, and will be available upon the employee's return to active service. However, during periods of unpaid military leave, employees will continue to accrue years of service credits for purposes of future vacation accruals upon return to active service.

Should the employee elect not to return to active service following a military leave of absence, accrued vacation and compensatory time will be paid at the rate of pay in effect at the time the employee was last in paid status.

At the employee's request, and with the approval of the Department Director and the Human Resources Director, an employee commencing a military leave of more than 90 days may be paid in a lump sum for any or all accrued vacation leave and compensatory time.

## **LEAVE WITHOUT PAY**

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Department Directors may grant an employee a leave of absence without pay not to exceed two weeks. Such leave shall be reported to the Human Resources Department through a payroll status change form. A request for leave shall be considered upon written request of the employee to the Department Director stating the reason for such request.

An employee's seniority status will be adjusted to reflect the period of leave in excess of 60 days, except for long term disability when applicable. Sick leave, vacation and holiday benefits do not accrue at any time during a leave without pay, except as otherwise provided by law.

Upon expiration of the approved leave without pay, the employee shall be eligible to return to the position vacated or to another position as provided by law. An employee not returning following the agreed upon date of return shall be considered to have resigned.

## **PREGNANCY LEAVE**

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Depending on the employee's length of service to the City and the number of hours that the employee has worked in a twelve-month period, pregnancy leave may be available under the provisions of the FMLA leave provided in Section 7. If an employee is not eligible for FMLA the Iowa Civil Rights Act requires employers to grant unpaid leave to employees who are temporarily disabled because of pregnancy or related medical conditions, even if similar leaves are not granted for other temporary disabilities, and even if the leave is not available to the employee under any health, temporary disability, or sick leave plan. Employees are entitled to leave for the period of temporary disability or for 8 weeks, whichever is less. Once the pregnancy leave commences an employee may be eligible for additional disability leave.

## PREGNANCY WORKERS FAIRNESS ACT

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The City will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause undue hardship to operations. An employee or applicant may request an accommodation by submitting the request in writing to human resources. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed, and any alternative accommodation(s) that might be reasonable. A statement from a health care provider substantiating the need for the accommodation may be requested. Upon receipt of a request for accommodation, HR will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship. An employee may request paid leave as a reasonable accommodation under this policy; however, the City will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work. The City prohibits any retaliation, harassment, or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## LACTATION

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The City of Urbandale will provide reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk. The City will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

### **Time and Location of Breaks**

The City will provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary, and the employee must communicate with her supervisor regarding the timing of the breaks.

A bathroom, even if private, is not a permissible location. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed by the employee. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient, provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

Employees who use break time to express milk will be compensated in the same way that other employees are compensated for break time. In addition, the FLSA's general requirement that the employee must be completely relieved from duty or else the time must be compensated as work time applies.

## INJURY LEAVE

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When an employee of the City of Urbandale suffers an injury in the line of duty, a report of such accident shall be made immediately to their Supervisor and the Company Nurse. A report should also be made to the City via the Safety Incident Notification link found on the employee intranet.

An employee who fails to report within twenty-four (24) hours any injury, however minor, to the Supervisor, and who fails to take first-aid or medical treatment as determined by competent medical authority shall not be eligible for job related injury leave as outlined below. An employee's entitlement to worker compensation benefits is governed by Iowa Code Chapter 85 and the notice provisions of that law and Chapter 411 for MFPRSI.

## WORKER'S COMPENSATION LEAVE

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Leave of absence with pay shall be granted to employees who become incapacitated as a result of injury or occupational disease incurred through no misconduct of their own while in actual performance of duty as determined by the City of

Urbandale's Workers Compensation Insurance Carrier. Time away from the employee's regular work schedule during a leave of absence or modified duty schedule related to workers compensation will be designated as FMLA.

When the City of Urbandale Workers Compensation Insurance Carrier has completed its review of the injury claim and determined that it is an eligible worker's compensation leave case, the City of Urbandale shall pay such employee his/her full pay, for regularly scheduled hours, either as a direct payment from salary funds or as worker's compensation insurance benefits, or both. However, the total amount paid for loss of time from work shall not exceed the full pay the employee would have received for a period of his/her regular rate of pay.

## PAID PARENTAL LEAVE

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The City will provide up to four (4) weeks of paid parental leave to union and non-union employees following the birth of an employee's child or the legal placement of a child with an employee in connection with adoption or foster-to-adopt care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or newly adopted or newly placed foster-to-adopt child. Time away from work under the paid parental leave program will run concurrently with all federal and state protected leave and accommodations including Family and Medical Leave (FMLA), as applicable.

### Eligibility

Eligible employees must meet the following criteria:

- Be an active regular full-time or benefits-eligible permanent-part-time employee in good standing and have successfully completed their probationary period at the time of birth, legal adoption, or foster-to-adopt placement.
- Have given birth to a child; or be a spouse or domestic partner of a person who has given birth to their child; or have legally adopted a child, been placed with a foster-to-adopt child.

### Exclusions

- Guardianships.
- Surrogate individuals.
- Adoption of a significant other's child.
- Biological parents with no parental rights (e.g. their child is placed in foster care or adoption).
- Children who have reached the age of 18 are no longer considered dependents for the purposes of this policy.

### Duration of Paid Parental Leave

Eligible employees will receive a maximum of four (4) weeks of paid parental leave for birth, adoption, or placement of child/children. The fact that a multiple birth, adoption, or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than four (4) weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption, or foster-to-adopt care placement event occurs within that 12-month time frame.

Approved paid parental leave may be taken at any time during the three (3) month period immediately following the birth, legal adoption, or placement of a child with the employee. Paid parental leave may not be used or extended beyond this time frame, nor are employees entitled to a payout of unused paid parental leave.

Employees may take paid parental leave in one continuous period of leave or intermittently with their supervisor's approval and must use paid parental leave during the three (3) month time frame indicated above. Paid Parental Leave must be taken in one (1) week increments and will be paid based on the employee's regular duty schedule at the straight-time hourly rate. For the purposes of this policy, a week is defined as a payroll week beginning Sunday ending Saturday. For shift personnel, paid parental leave is limited to the average weekly hours based on the employee's schedule at the time of the leave of absence.



### **Coordination with Other Policies**

Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster-to-adopt, the leave will be counted toward the 12 weeks of available FMLA leave per a rolling 12-month period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA. Upon exhaustion of paid parental leave, employees are required to use all available sick, vacation, and personal time for any remaining leave before unpaid leave is authorized.

If a City holiday occurs while the employee is on paid parental leave, such day will be compensated as unscheduled unworked holiday pay in accordance with the prevailing handbook or collective bargaining agreement; however, such holiday pay will not extend the duration of the paid parental leave entitlement.

### **Requests for Paid Parental Leave**

The employee will provide their supervisor and the Human Resources department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or as soon as possible if the leave was not foreseeable). The employee must complete the necessary FMLA forms and provide documentation as required by the Human Resources Department to substantiate the request.

As is the case with all city policies, the organization has the exclusive right to interpret this policy. A fraudulent request for paid parental leave shall be grounds for disciplinary action, up to and including termination of employment.

## **FAMILY AND MEDICAL LEAVE (FMLA) POLICY**

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### **Eligibility**

Any employee who 1) has been employed by the employer for at least 12 months, 2) has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, and 3) is employed at a work site where 50 or more employees are employed by the employer within 75 miles of that work site, will be eligible for FMLA leave.

Eligible employees are entitled to a total of 12 work weeks of leave annually for the following reasons:

- Because of the birth of a child of the employee, in order to care for that child.
- Because of the placement of a child with the employee for adoption or foster care.
- In order to care for the spouse, domestic partner or parent of the employee if that spouse/domestic partner or parent has a serious health condition, or in order to care for a son or daughter of the employee if that son or daughter has a serious health condition and is under the age of 18 or, if 18 years or older, is incapable of self-care because of a physical or mental disability.
- Because of the employee's own serious health condition, that makes the employee unable to perform the functions of his or her position.

The annual entitlement to 12 work weeks of leave is measured on a "rolling" basis which looks backward to the 12-month period ending on the date an employee uses any FMLA leave. That is, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

### **Hospital Care**

Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

### **Absence Plus Treatment**

A period of incapacity<sup>1</sup> of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

- Treatment<sup>2</sup> two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment<sup>1</sup> under the supervision of the health care provider.

### Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

### Chronic Conditions Requiring Treatments

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

- Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- (1) Incapacity is defined to mean inability to work, attend school or perform other regular daily activities due to the serious condition, treatment therefore, or recovery therefrom.
  - (2) Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations.
  - (3) A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

### Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

### Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for family and medical leave.

Substance abuse may be a serious health condition if the conditions of this term are otherwise met. However, family and medical leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for family and medical leave.



### Intermittent Leave

Leave may be taken intermittently or on a reduced hours basis when medically necessary, or to provide care or psychological comfort to an immediate family member with a serious health condition. If an employee requests that his or her leave be taken on an intermittent or reduced hours basis, the employer may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.

### Spouses Employed by Same Employer

An employee and spouse who are both employed by the same employer are entitled to take only a combined total of 12 weeks of leave during the applicable twelve-month period if the leave is taken pursuant to reasons above, or to care for the employee's parent with a serious health condition. Where an employee and spouse both use a portion of the total 12-week leave entitlement for one of these purposes, each is entitled to the difference between the amount he they have taken individually and 12 weeks for FMLA leave for other purposes (such as to care for a child with a serious health condition or due to their own serious health condition).

### Substitution of Paid Leave

Employees are required to use all available accrued sick, vacation and personal leave concurrently with FMLA leave to the extent allowed by the FMLA. Employees may elect to, but cannot be required to use compensatory time during an FMLA leave. Any FMLA leave remaining after all applicable accrued leave has been exhausted will be without pay. Employees receiving weekly workers' compensation benefits or benefits pursuant to a temporary disability benefit plan may not supplement these benefits with accrued paid leave unless doing so is agreed on by both the employer and the employee.

### Notice

If the necessity for leave is foreseeable, the employee must notify the employer in advance of his or her intention to take leave, at least 30 days before the leave is to begin. If a 30-day notice is impracticable, the employee shall provide as much advance notice as is practicable. An employee giving notice of the need for unpaid FMLA leave must explain the reasons for the needed leave so as to allow the employer to determine that the leave qualifies under the FMLA. Failure to provide notice as required in this paragraph may result in delay of leave.

Employees must also follow the employer's usual and customary notice and procedural requirements for requesting leave and reporting absences from work. Failure to follow the employer's policies and procedures for requesting leave and reporting absences may result in delay or denial of leave and/or disciplinary action.

### Medical Certification

All requests for leave for a reason set forth in paragraphs above must be supported by a certification issued by the health care provider of the employee or the health care provider of the employee's son, daughter, spouse, domestic partner or parent, as appropriate.

The employer will provide certification forms for completion by the health care provider. Use of these forms is required. The employee must provide the certification within 15 calendar days after the employer requests certification, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts. Where an employee fails to timely provide the required certification, FMLA leave may be delayed or denied, in which case time off work may be handled under the employer's regular policies and practices for attendance and absences from work, and may be considered unexcused absences subjecting the employee to discipline up to and including termination of employment.

When the employee provides a certification which is incomplete or insufficient and the employer provides the employee with notice and an opportunity to cure the deficiency, the employee will have seven (7) calendar days to cure the deficiency with a resubmitted certification. Where an employee fails to timely cure a deficiency, FMLA leave may be denied, in which

case time off work may be considered unexcused absences subjecting the employee to discipline up to and including termination of employment.

Recertification will be required by the employer at the employees' expense. The employee must provide the requested recertification within 15 calendar days after the employer requests recertification, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts. Where an employee fails to provide the requested recertification, FMLA leave may be delayed or denied, in which case time off work may be considered unexcused absences subjecting the employee to discipline up to and including termination of employment.

The employer may obtain clarification and authentication of certifications, and may require recertification and fitness for duty certifications as allowed by federal regulation. Annual certifications may also be subject to second and third opinions.

At all times, FMLA leave for the employee's or a family member's serious health condition is subject to the certification process. Any absences and time off work which are not covered by FMLA (for example, when an employee fails to provide timely certification, fails to timely cure a deficiency in a certification, fails to allow clarification of a certification, where absences and time off work prior to and during the certification process are later determined to not be covered by FMLA, etc.) are subject to the employer's regular policies and practices regarding attendance and time off work, including disciplinary policies depending on the number of absences and other circumstances. Similarly, an employee's failure to cooperate or comply with the recertification or fitness for duty certification process can result in absences not covered by FMLA and subject to the employer's regular policies and practices.

Employees do not have the right to refuse FMLA job protected leave.

#### Second and Third Opinions

The employer reserves the right to obtain at its expense a second opinion from a health care provider designated by the employer. If the second opinion differs from the opinion in the original certification, the employer may require that a third opinion be obtained at the employer's expense from a health care provider designated jointly by the employer and employee. Such opinion shall be final and binding.

#### Health Benefit Continuation

The employer shall maintain group health insurance coverage for the employee during any period of family and medical leave, on the same basis as coverage would have been provided if the employee had not taken such leave. If the employee fails to return from leave after it expires for any reason other than the continuation, recurrence or onset of a serious health condition of the employee or the employee's family member or circumstances beyond the employee's control, the employer may recover from the employee any premiums for group health coverage paid by the employer during the period of the leave. Where an employee asserts his or her failure to return from leave after it expires is due to the continuation, recurrence or onset of a serious health condition of the employee or the employee's family member, the employee will be required to provide medical certification, at the employee's expense, of the employee's or the family member's serious health condition.

For continuation of insurance coverage during FMLA leave, the employee must continue to pay his or her portion of the premium. The terms and conditions under which the employee must make premium payments will be determined by management or human resources personnel or, in certain circumstances, upon voluntary agreement with the employee. If an employee's premium payment is more than 30 days late, the employer may, upon 15 days written notice to the employee, drop the coverage on a specified date at least 15 days after the date of the letter providing written notice to the employee unless the payment has been received by the specified date. However, if the employer has a policy regarding other forms of unpaid leave that provide for coverage to cease retroactively to the date the unpaid premium payment was due, coverage may be dropped retroactively in accordance with that policy. If the employer pays the employee's share of premium payments after the premium payment is missed, the employer may recover the employee's share of the premium payment. If coverage lapses because an employee fails to make required premium payments, upon the employee's return

from FMLA leave he or she will be restored to coverage and benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed.

### Other Benefits

The employee's entitlement to benefits other than health insurance during the period of family and medical leave will be determined in accordance with the employer's policies regarding such benefits when the employee is on other forms of leave. Unused benefits that accrued before the date leave began will be retained, but the employee will accrue no seniority or employee benefits that would have accrued during the period of unpaid family and medical leave.

### Return to Work

Where practicable under the circumstances, employees will be required to contact their immediate supervisor every two weeks to report on the employee's status and intent to return to work. Where a change in circumstances modifies the anticipated duration of FMLA leave, the employee must provide the employer reasonable notice, within 2 business days, of the changed circumstances where foreseeable.

Subject to limitations provided by applicable law, the returning employee will be restored to the position he or she held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, if the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee is not guaranteed reinstatement except as may be required by applicable law. Further, in accordance with applicable law, certain key employees are not guaranteed reinstatement and business circumstances may prevent reinstatement.

Upon expiration of the leave, an employee on leave for his or her own serious health condition shall provide the employer with a certification from his or her health care provider, at the employee's expense, that the employee is able to resume work (fitness-for-duty certification). In some circumstances the employer may require that the certification address the employee's ability to perform the essential functions of the employee's job. In most circumstances an employee must submit the required fitness-for-duty certification before the employee will be restored to employment. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. An employee who fails to return to work or contact the employer regarding his or her status following conclusion of FMLA leave will be considered to have voluntarily quit the employment as of the conclusion of the FMLA leave.

### FMLA for Military Families

#### **Injured service member (Military Caregiver) Leave**

An eligible employee who is the spouse, domestic partner, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury which was sustained or aggravated in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness which was incurred or aggravated in the line of duty on active duty; or a veteran who has a serious injury or illness which was incurred or aggravated in the line of duty on active duty and who was a member of the Armed Forces, including the National Guard or Reserves, at any time within five (5) years of receiving the treatment that triggers the need for military caregiver leave. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks for all types of FMLA qualifying reasons. The other types of FMLA leave remain subject to the 12-week limit per rolling year. When care for a covered service member is involved, spouses employed by the same employer are jointly entitled to a combined total of 26 weeks of leave during a single 12-month period for the birth and care of a newborn child, placement of a child for adoption or foster care, to care for parent who has a serious health condition, and to care for the covered service member.

### Active-Duty Family Leave (Exigency Leave)

Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, domestic partner, son, daughter, or parent of the employee is a member of any branch of the Armed Forces, including the National Guard or Reserves, and is on active duty in a foreign country or has been notified of an impending call to active duty status in a foreign country. This leave is subject to the same aggregate 12 weeks of FMLA leave per rolling year as the traditional forms of FMLA leave.

Both types of military family FMLA leave are subject to certification or other verification requirements. Where an employee fails to timely comply with any such requirements, or where this process establishes time off and absences from work are not covered by FMLA, the FMLA leave may be delayed or denied and any absences and time off may be considered unexcused absences subjecting the employee to discipline up to and including termination of employment.

### General Provisions

The employer is the sole administrator of this policy and, as such, is the exclusive interpreter of its terms. The employer reserves the right to modify this policy at any time.

All provisions of this policy shall be interpreted consistent with the Family and Medical Leave Act of 1993, as amended.

This policy is not a contract and is not intended to create any rights greater than those conferred on employees by the Family and Medical Leave Act of 1993, as amended.

The existence of this policy does not create or confer any FMLA rights if FMLA does not apply due to the number of employees or any other eligibility criteria. The existence of this policy shall not be relied on to determine whether an employee is entitled to FMLA leave. The presence of FMLA posters in the workplace shall not be relied on to determine whether an employee is entitled to FMLA leave. The applicability of FMLA, and the availability of FMLA leave at any given time, shall only be determined by the employer’s Human Resources Director or other designated employer representative authorized by the employer to make FMLA determinations.

For further information regarding employee rights and responsibilities under the Family and Medical Leave Act see WHD Publication 1420, which is attached to this policy below.

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list.

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



U.S. Wage and Hour Division

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1420 Revised January 2009

## RETURN TO WORK PROGRAM

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It is the policy of the City of Urbandale to provide modified or alternate work for an employee injured on the job, who is unable to temporarily or permanently return to his/her regular job classifications. Regular modified and alternate work will be provided as available in compliance with the Americans with Disabilities Act (ADA) and Iowa Workers' Compensation Act.

The City of Urbandale will make reasonable accommodations for 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.

### **Return to Work Program Objectives:**

- To return the employee who is injured on the job to work as soon as possible when there is not a significant risk of substantial harm to themselves and others.
- To minimize financial hardship and emotional stress to the employee who has sustained a work-related injury.
- To assist the employee in returning to work at a level as close as practicable to his/her pre-injury earnings and productivity.
- To retain qualified and experienced employees.
- To reduce the cost of disability benefit programs.

### **Temporary Alternate Duty (TAD):**

TAD is defined as modified duties or hours assigned to a worker injured on the job, when the physician indicates the employee can return to work but is not yet physically capable of handling the entire job duties normally assigned, and his/her work-related injury has not reached maximum medical improvement.

The purpose of TAD is to provide temporary work, within medical restrictions, for an employee injured on the job. TAD may be available with medical prognosis indicating that the employee is expected to return to full duty following a course of medical treatment.

If an alternate duty position is available, the employee will be provided with TAD as soon as medically feasible. An alternate duty position may be either within his/her department, if available, or within another department, as coordinated by the City of Urbandale TAD designee. TAD should be consistent with the employee's physical/mental abilities.

An employee in TAD capacity will continue to receive the salary and benefits of his/her job classification. A TAD assignment should be reviewed after each medical appointment, normally every 7 to 14 days. TAD will not normally exceed three months (90 calendar days).

TAD may be requested by an employee if they have incurred an off the job injury and have restrictions that would prevent the employee from meeting the regular job duties of his/her classification. The request should be made to the employee's director or the City Manager's designee. Approval by the Director is required for TAD.

## SECTION 8: SALARY ADMINISTRATION

Performance appraisals are conducted on an annual basis. Employees will receive a performance review on the established date each year. The performance appraisal will be discussed, and both the employee and manager will sign the form to ensure that all strengths, areas for improvement and job goals for the next review period have been clearly communicated. Performance evaluation forms will be retained in the employee's personnel file.

Budget allocations for pay increases are planned for and allocated before the start of each fiscal year. The annual salary increase program is designed to assist management in planning and allocating pay increases that reward individual performance, that are market competitive and that are internally equitable. The step system will be implemented in July, 2019 and assuming satisfactory job performance, employees will experience a one-step increase in their pay range on January 1<sup>st</sup> of the following year until the top step of the range is reached.

Step increases are not guaranteed. A performance review does not always result in an automatic salary increase. The employee's overall performance and salary level relative to his/her position responsibilities are evaluated to determine if step advancement is warranted.

Salary adjustments are occasionally requested or warranted at times other than the employee's scheduled annual salary reviews. Out-of-cycle salary increases are extremely rare and must be preapproved by the Department Director, HR and the City Manager. Human Resources will review all salary increase/adjustment requests to ensure internal equity and compliance with City policies and guidelines.

### PERFORMANCE EVALUATION

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The evaluation form includes several performance components. Each component includes a description of the criteria, and a space for narrative describing performance as it relates to that component. Actual performance is evaluated on a pre-established scale.

#### **Performance Evaluation Schedule**

Each supervisor is responsible for the proper completion of the performance evaluation form and to conduct a timely performance evaluation and goals-setting discussion for each subordinate employee. Such evaluation forms and discussions are to be completed at the following intervals:

- Two weeks prior to the end of the six-month probationary period.
- Annually prior to the deadline established by Human Resources

#### **Performance Pay (Non-Union Only)**

Each employee who receives a satisfactory rating or better overall will receive the appropriate step advancement beginning January 1<sup>st</sup>, 2020, and each subsequent January 1<sup>st</sup>. Overall ratings that are less than satisfactory will result in delayed step advancement until job performance is deemed acceptable. The length of such delay will vary depending upon the seriousness of the deficiencies noted in the performance evaluation.

# SECTION 9: PERSONNEL RECORDS

## EMPLOYEE PERSONNEL FILES

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Employee files are maintained by the Human Resource department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. A manager or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with anti-discrimination laws.

Personnel file access by current employees and former employees upon request will generally be permitted within three days of the request unless otherwise required under state law. Any copies made for the employee shall have each page marked "copy." The employee may be subject to a reasonable fee, not to exceed the maximum permitted by the Code of Iowa, for copies provided.

Personnel files are to be reviewed in the Human Resource department. Personnel files may not be taken outside the department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information to the extent permitted or required by law.

A union representative shall be considered the designated representative of an employee who has filed a grievance under a union contract. The union representative may have access to the grievant's personnel file in order to investigate the grievance; however, if the union representative wishes to inspect the personnel files of other employees, those employees will be notified.

### **Other Access**

Access to personnel files by persons other than authorized City administrative staff may be subject to delay for up to ten days in order for the Human Resources Department to determine whether such information should be released as provided in the Code of Iowa. The employee whose file is involved will be notified of any such request. Employee names, job classifications, dates of employment, and salaries and other information identified in Iowa Code Section 22.7(11) will not be subject to these requirements and will be provided upon request. If an employee is demoted, discharged, or resigns in lieu of discharge, that fact and the documented reasons and rationale may become public record. Any copies made for a requestor shall have each page marked "copy." The requestor may be subject to a reasonable fee, not to exceed the maximum permitted by the Code of Iowa, for copies provided.

### **Supervisor Desk File (Department File)**

A supervisor may also keep a desk file and/or department file including personnel action forms, copies of performance evaluations, employee performance logs, employee work schedules, attendance records, and other related information. Confidential medical, EEO, reference and background check documentation, and/or benefits information should not be retained in a desk file/department file. However, during an employee's active worker's compensation claim, information related to work restrictions may be maintained at the department level. Once a case is closed, this information should be purged from the supervisor desk file/department file.

### **Records Retention**

Periodically, the Human Resource department may review the information contained in employee personnel files and purge any unnecessary information. Additionally, supervisor desk files/department files will also be subject to review periodically to assure proper recordkeeping practices.

The City of Urbandale has adopted the records retention guidelines as recommended by the Iowa League of Cities and as modified.



## SECTION 10: SAFETY AND WELLNESS

The City of Urbandale recognizes that employees drive our City. As the most critical resource, employees will be safeguarded through training, provision of appropriate work surroundings and procedures that foster protection of health and safety. All work conducted by the City of Urbandale employees will take into account the intent of this policy. No duty, no matter what its perceived result, will be deemed more important than employee health and safety.

The City of Urbandale is firmly committed to the safety of our employees. We will work to prevent workplace accidents and we are committed to providing a safe working environment for all employees. We value our employees not only as employees but also as human beings critical to the success of their family, the local community and the City of Urbandale.

Employees are encouraged to report any unsafe work practices or safety hazards encountered on the job. All accidents/incidents (no matter how slight) are to be immediately reported to the supervisor on duty.

A key factor in implementing this policy will be the strict compliance to all applicable federal, state and local policies and procedures. Failure to comply with these policies may result in disciplinary actions.

Respecting this, the City of Urbandale will make every reasonable effort to provide a safe and healthful workplace that is free from any recognized or known potential hazards. In the case of a pandemic or disease outbreak, the City reserves the right to take employees' temperatures if necessary, before allowing employees to enter the workplace and may send employees home per federal, state, or local guideline recommendations to stop the spread of a pandemic or disease outbreak. Temperatures will not be recorded. The City also reserves the right to require other safety measures to prevent the spread of disease.

Refer to your department specific safety policies and standards.

### WORKPLACE INSPECTIONS

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The City attempts to maintain equipment and supplies which permit work to be accomplished in the most efficient and effective manner possible. While employees are encouraged to use these items, it is important to understand that they are City property and are only to be used for conducting City business.

As a part of employment, a desk or workspace may be made available to an employee. The desk and the workspace are City property. Because the desk and the workspace are City property, not the employee's personal property, the desk and the work space are subject to being inspected by the City at any time, with or without notice to the employee.

The City assumes no responsibility or liability for any items of personal property which are placed in the desk or workspace which is assigned to the employee.

The City may also provide the employee with a telephone and/or a computer to perform his/her job. These items are also City property and may only be used to conduct City business. The City may enter and copy any computer file, may examine and copy any computer communication, may monitor and record any telephone communication, and may examine and copy or record any voice mail communication. The employee's continued employment with the City constitutes the employee's consent to the interception and recording of any of these communications. To the extent that any computer or telecommunication activities are regulated by state or federal law, the City will observe all such regulations imposed upon it.

If the City conducts an examination or inspection under the terms of this policy, there will be at least two individuals present at the time of the examination or inspection.

## EMPLOYEE IDENTIFICATION CARDS

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This policy is meant to provide direction and clarification on the issuance and handling of City Employee Identification Cards (ID) which may serve a dual function of allowing utilization of an automated time clock system.

All employees shall possess a City Employee ID during their employment with the City of Urbandale. The ID Cards shall be carried during all work hours though it need not necessarily be visible at all times.

The ID card will include a photograph of the employee, the employee's department, job title, and employee number on the front.

Employees are responsible for having their City issued ID so that they can make entry into the City in a disaster. In some cases, security may be provided by non-City employees (county, state or other law enforcement, National Guard, etc.) who may not allow entry into the City without the proper ID.

### **Lost, Stolen, or Damaged Cards**

If a new card is issued due to a change in personal information, the card will be reissued at no cost to the employee. It is the responsibility of the cardholder to report to their supervisor immediately a lost or stolen ID card. Stolen, malfunctioning, or accidentally damaged cards will be replaced free of charge. Lost cards or cards deliberately damaged or damaged through negligence will be replaced once without a fee and after that, for a fee.

### **Fraudulent Use of Cards**

Fraudulent use of a City Employee ID Card will result in disciplinary action, up to and including termination. Fraudulent use includes use or permitting the use of a card by a person other than the individual to whom it was issued, or for the benefit of a person not entitled to use of the card. Employees shall use their personal Identification Card as evidence of employment when assigned to the scene of a major incident and during time of disaster. Employees are not authorized to utilize identification cards as a means of entering areas where the general public has been prohibited, except as outlined above. Employees are not authorized to use identification cards as a means of securing funds, donations, and gratuities, other items of value or as a means of receiving a discount or altering responsibility for actions.

### **Confidentiality of Card Photo Images and Personal Information**

The photo image and other cardholder related information will be used exclusively for official City business and will not be made available electronically, or otherwise, for any other purpose.

### **Return or Deactivation of Cards**

Employee ID Cards are City property. ID cards and all other City property must be returned directly to the employee's supervisor upon resignation or termination of employment.

### **Failure to Comply with the Employee Identification Card Policy**

Employee ID Cards are required within 30 days after the start of employment. It is the responsibility of the employee to obtain an ID card. If the ID card is not obtained within the 30-day time frame, the employee will be given a written warning with a set date to comply with the policy. If, after the end date included in the written warning the employee has still not obtained an ID card, the employee is subject to disciplinary action, up to and including termination.

## MEDICAL EXAMINATION POLICY

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### **New Hires**

Full-time, part-time and/or temporary/seasonal job offers may be conditioned upon a medical examination to determine whether the individual is able to perform the essential functions of the position. No person shall be disqualified for appointment on the basis of such examination unless it is determined that no reasonable accommodation (if required by the Americans with Disabilities Act and/or the Code of Iowa) can be made.

### **Reasonable Accommodation**

When, by reason of a claimed disability, a candidate for employment may require reasonable accommodation in order to perform the essential functions of the job; or—when a City employee by reason of a claimed disability, may require reasonable accommodation in order to continue performing the essential functions of his or her job, the individual claiming the disability shall notify the Human Resources Director or the director of the department in which the position is located of the claimed disability and the request for reasonable accommodation.

There shall be a committee consisting of the department director or designee, the City Manager or designee, and Human Resources Director. The committee shall review the facts of the case as it relates to the Americans with Disabilities Act and the Iowa Civil Rights Act, the accommodation requested by the individual, other accommodations, if any, which might be reasonable, and then determine whether a reasonable accommodation is available.

The candidate or employee claiming to have a disability and requesting an accommodation for that disability shall provide to the committee:

- Documented medical evidence of the claimed disability, unless the nature and extent of the disability is evident
- A written statement of the means of accommodation that the candidate or employee believes would enable the candidate or employee to perform the essential functions of the job to meet City performance standards
- A written statement of acceptance or rejection of any alternative means of accommodation proposed by the committee, and the reason for any such rejection

The committee shall, within a reasonable time, submit to the City Manager a written report of its determination and recommendations. The City Manager shall make the final decision on disability and accommodation within a reasonable time after receiving the committee's report and such additional information or analysis as the City Manager may call for.

### **Examinations During Employment**

When, in the judgment of the department director, an employee's physical or mental condition is such that it is desirable to evaluate the employee's ability to perform essential job functions and to comply with work rules and standards of conduct, the department director may, with the approval of the City Manager, require the employee to undergo an examination at City expense. The following procedure shall be followed:

1. The employee shall be examined by one of the City's designated physicians or another physician or health care provider as the City Manager may direct. The employee shall have the right to submit to the examining physician or other provider reports, opinions or other information provided by the employee's own physician or health care provider.
2. The report of the examining physician or provider shall be submitted to the Human Resources Director who shall confer with appropriate management staff and make a report to the City Manager concerning the employee's fitness for duty and any recommended action.
3. The results of the examination shall be confidential, with access to medical information limited to the employee and management staff that needs the information to make employment-related decisions.

### **Examinations Following Absence**

Any employee who has been required to take prolonged or frequent leave due to illness or injury may be required to either submit a written release from the attending physician or to take an examination before returning to work.

### **DESIGNATED PHYSICIAN POLICY**

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Under Iowa Code (85.39) the City of Urbandale has the right to choose a medical care provider for the evaluation and treatment of workplace injuries and illnesses. The City of Urbandale has designated UnityPoint Health Occupational Medicine, as its designated medical provider for non-public safety departments. MercyOne Occupational Clinic is the designated medical provider for Police and Fire personnel. Employees with a work-related illness or injury are required to

have their initial evaluation with one of these designated clinics. If appropriate, and with prior approval from the Iowa Municipal Workers' Compensation Association (IMWCA) or EMC Risk Services, the City's designated physician may make referrals to other specialists.

If an employee decides to go to another provider without the referral from the authorized treating clinic, the employee will be responsible for all expenses related to that visit(s). Workers' compensation benefits will be delayed or denied unless the employee is seen by the City's designated physician.

## DRUG-FREE WORK ENVIRONMENT

Under the Drug Free Workplace Act, the City of Urbandale has an obligation to its employees, customers and the public to take reasonable steps to ensure public safety and a safe workplace.

This policy is intended to regulate all issues in the use and abuse of alcohol and controlled substances in the workplace or that affect the workplace. The City of Urbandale is dedicated to providing safe, dependable and efficient services to the citizens of the City. In meeting this obligation, it is our policy to ensure that all employees are not impaired in their abilities to perform assigned duties in a safe, productive and healthy manner and to create a workplace environment free from the adverse effects of drug abuse. The City of Urbandale prohibits the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace while on duty, on-call or responding to duty. Violations of this policy can result in disciplinary action, up to and including termination, and may have legal consequences.

Employees shall notify their supervisor of the employee's conviction under any criminal drug statute for a violation occurring in the workplace, as defined above, no later than (5) days after such conviction. If an employee is convicted of a violation of a criminal drug statute for a violation occurring in the workplace, the City will take appropriate disciplinary action against the employee, up to and including termination or the City will require the employee to successfully participate in an approved drug abuse assistance or rehabilitation program. If the City requires the employee to successfully participate in an approved drug abuse assistance or rehabilitation program and the employee fails to do so, the City will take appropriate disciplinary action against the employee, up to and including termination.

The City reserves the right to conduct alcohol and/or drug testing under any of the following circumstances:

- Where there is evidence that an employee may be impaired on the job due to the use of illegal drugs, controlled substances or alcohol.
- Where there is evidence that an employee has violated some provisions of this policy, or
- Where the employee has suffered a work-related injury which was due to intoxication, as provided by Iowa Code Section 85.16,
- Where the employee has caused an accident at work which resulted in an injury to a person for which a report could be required under Iowa Code Chapter 88 if the person were an employee, or
- Where the employee has caused an accident at work which resulted in damage to property, including equipment, in an amount reasonably estimated at the time of accident to exceed one thousand dollars

Employees who are taking a drug or medication that causes side effects (e.g., drowsiness, or impaired reflexes) shall inform their supervisor that they are taking such medication. Any prescription drugs or over-the-counter medication that employees are taking on the job should be kept in their original containers. Employees will inform their supervisor of the possible side effects and the expected duration of use. If the use of medication could cause safety problems, the supervisor in conjunction with other appropriate representatives of The City may grant the employee sick leave or temporary reassignment to different duties.

Chemical dependency is an illness and a major health problem and may require professional help. The City provides an Employee Assistance Program (EAP) through Employee and Family Resources (EFR) for any employee or family member who wants to seek confidential counseling.

## Pre-employment Testing

All prospective employees will be required to complete a drug test after they have been extended a conditional offer of employment of the City of Urbandale.

Prospective employees who refuse to take the required drug test, or who fail to cooperate in any aspect of the testing procedure, or who test positive for any of the designated drugs will be ineligible for City employment and will be removed from all recruitments and/or eligibility lists. Candidates that test positive for drugs will be ineligible for employment consideration for a period of one year from the date of the positive test result.

**The following policies pertain to employees working in positions that require a Commercial Driver License (CDL):**

### Random Testing

Employees who use a commercial motor vehicle and who are required to have a Commercial Driver License (CDL) are subject to testing under the following circumstances:

- Prior to employment
- Reasonable Cause
- Unannounced random basis
- After an accident occurs
- Prior to returning to duty after failing a drug or alcohol test
- On a follow-up basis after failing a drug or alcohol test

Upon notification that an employee has been selected for testing, Human Resources will notify the employee's supervisor and the collection site. The employee will be instructed to go to the collection site and must be prepared to provide his or her CDL driver's license.

The City of Urbandale recognizes that the use or abuse of alcohol or controlled substance by drivers of commercial vehicles presents a serious threat to safety and health of the drivers, other City employees, and the general public. It is the policy of the City that all drivers are free of drugs and alcohol while on duty and as otherwise required by the Omnibus Transportation Employee Testing Act (OTETA) of 1991.

In order to comply with this law, the City of Urbandale has established a drug and alcohol testing program designed to discourage drug and alcohol abuse and prevent traffic accidents and injuries to City of Urbandale employees and the public.

This policy pertains to employees holding a CDL and whose duties include the performance of safety-sensitive functions in connection with the operation of a commercial vehicle. Safety-sensitive functions include the following:

- Waiting to be dispatched or remaining in readiness to operate a vehicle. For employees who are required to have a CDL, this generally means all hours of work
- Operating a commercial vehicle
- Performing maintenance, or loading or unloading a commercial vehicle

Covered employees will **not** engage in the following conduct:

- Be on standby, report for duty, or remain on duty, requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater
- Be on duty or operate a commercial motor vehicle while possessing alcohol
- Use alcohol while performing safety-sensitive functions
- Perform safety-sensitive functions within four hours after using alcohol
- Use alcohol for eight hours following an accident or until undergoing a post-accident test.
- Refuse to submit an alcohol or drug test
- Be on standby or duty, report for duty, remain on duty, or perform safety sensitive functions if tested positive for drugs.

All covered employees may use prescription drugs only if the doctor has advised the employee that the drug will not adversely affect the driver's ability to safely operate a vehicle. Employees using prescription drugs must carry such drugs in their original containers, which must be labeled with the name of the doctor and the drug prescribed.

## SMOKE-FREE WORKPLACE POLICY

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Iowa Code Chapter 142D, "Smoke-free Air Act" became effective on July 1, 2008 for the State of Iowa and its political subdivisions, including the City of Urbandale, Iowa.

The State law was created to "...regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees".

- "Public building" means an enclosed area owned, leased, or operated by or under the control of the state government or its political subdivisions.
- "Public place" means "an enclosed area to which the public is invited or in which the public is permitted"; and an "enclosed area" means "all space between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extended from the floor to the ceiling".
- "Entrance" means "any doorway to an enclosed area used by the public or employees for ingress to any public place or place of employment, but does not include any doorway designated for use as an exit in an emergency only".

The purpose of the State law is "to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans."

"Smoking" means "inhaling, exhaling, burning, or carrying any lighted cigar, cigarette and pipe.

### Indoor Areas

Smoking inside is not allowed in an enclosed public place, in vehicles, or in motorized equipment owned or operated by the City of Urbandale.

The following provisions will govern the signage posting requirements of the law:

- "No Smoking" signs will be posted at each entrance to the public place and place of employment that may be utilized by the public or the employee to enter or exit an enclosed facility.
- "No Smoking" signs will be posted in vehicles and in motorized equipment used to transport the public or the employee, such sign will be visible from the exterior, and smoking is prohibited regardless of where the vehicle or motorized equipment is located. The City of Urbandale **excludes** unmarked Police vehicles from the requirement to post "No Smoking" sign.
- "No Smoking" signs will be posted in rented enclosed park shelters, and in park restrooms.
- Smoking will continue to be a prohibited activity in all City of Urbandale automotive garages or bays used either for equipment maintenance or storage including the Police sally port; and will continue to be prohibited in all hazardous storage areas, or where flammable or toxic materials or fumes are present.
- "No Smoking" signs will meet the specifications of the State 641 Iowa Administrative Code, Chapter 153, specifically, for buildings at least 24 square inches in size, and for vehicles at least 9 square inches in size; legible font type, contain the words "No Smoking" or the international "no smoking" symbol, the telephone number for reporting complaints, 1-888-944-2247, the department of health website, [www.iowaSmokefreeAir.gov](http://www.iowaSmokefreeAir.gov).

### Outdoor Areas

Smoking is not allowed on the grounds of any public building. The grounds of any public building means an outdoor area of a public building that is used in connection with the building, including but not limited to, a sidewalk or driveway immediately adjacent to the building, but not including a sidewalk in the public right-of-way; a sitting or standing area

immediately adjacent to the building; a patio; a deck; a curtilage or courtyard; a swimming or wading pool; or a beach, or any other outdoor area as designated by the person having custody or control of the public building.

No Smoking signs will be posted at the entrance—which also includes the commonly understood points of entry to an outdoor area, subject to the prohibitions of this chapter, such as a driveway, sidewalk, pathway, access road, gate, or dedicated point of entry, but not including a street, road, highway, or sidewalk in the public right-of-way.

The City of Urbandale **excludes the parking lots** from the designated grounds of any public building, and smoking is allowed in the City of Urbandale parking lots, as long as these outdoor areas are not immediately adjacent to the commonly understood points of entry and exit. Smoking is allowed in privately owned vehicles in the City of Urbandale parking lots.

The City of Urbandale **excludes** the hiking trails from the designated grounds of any public building and smoking is allowed on bike or walking trails, and on a sidewalk in the public right-of-way, as long as these outdoor areas are not adjacent to an enclosed City of Urbandale building or commonly understood points of entry and exit, and do not conflict with seating areas.

No Smoking signs will be posted in the seating areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues. This means the area to be used primarily to witness entertainment events and shall include, but not be limited to, all chairs, seats, and bleachers whether permanent or temporary, standing room only; general admission or festival style seating areas; and any other areas where individuals congregate to witness entertainment events. Signs will not be posted in building facilities that are not enclosed. This means all space between a floor and ceiling which is not contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

The City of Urbandale **excludes** the open (not enclosed) shelters in the park system from the designated grounds of any public building, and smoking is allowed in these shelters subject to the following limitations.

- “No Smoking” sign will be posted in the Lions Park Gazebo, which is an open (not enclosed) shelter.
- Smoking will continue to be a prohibited activity in outdoor areas when flammable or toxic materials or fumes are present.
- The skate park shall remain smoke free at all times.
- Tobacco products are prohibited in or around any other areas where youth 17 (seventeen) years old and younger are participating in “organized recreational activities”—means those activities that are scheduled by or through the Parks and Recreation Commission or are scheduled by a private organization or association that leases park property from the City. This definition would include both scheduled and non-scheduled athletic practices of any organization or association that is authorized to use the City’s park facilities.
- As the employer, owner, operator, manager, or person having custody or control of a place where smoking is prohibited, the City shall not permit smoking in a public place, place of employment, outdoor area where smoking is prohibited, or an area declared nonsmoking.

The City of Urbandale shall not retaliate against any employee, applicant for employment, or customer that exercises any rights under, registers a complaint regarding, or attempts to prosecute a violation of Iowa Code Chapter 142D.

The Iowa Department of Public Health has designated the law enforcement authorities of the City of Urbandale as a political subdivision of the state to assist with the enforcement of Iowa Code Chapter 142D A City of Urbandale. Police officer may issue a citation in lieu of arrest pursuant to Iowa Code chapter 805 against a person who smokes in an area where smoking is prohibited pursuant to Iowa Code Chapter 142D.

Employees who are interested in a smoking cessation program, may access programs through Employee and Family Resources (EFR).



## WORKPLACE BULLYING

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The City of Urbandale defines bullying as inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, directed by one or more persons against another or others, at the place of work and/or in the course of employment which has the effect of substantially interfering with an individual's employment, performance of duties, or which causes the individual to have a reasonable fear of harm. Such behavior violates the City Code of Ethics which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the City will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. Where an allegation of bullying is made, the intention of the alleged bully is relevant and will be given consideration when meting out discipline. As in sexual harassment, the effect of the behavior upon the individual is most important. The City of Urbandale considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Non-verbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities

## WORKPLACE NON-VIOLENCE POLICY

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The City of Urbandale is committed to providing a work environment that is safe and free from threats or acts of violence. This policy addresses employees' responsibilities for refraining from any type of workplace violence, and procedures for reporting and correcting any workplace violence or threats of violence that may occur. This policy is not all-inclusive of actions and remedies that may be taken to address threats of violence in workplace, since workplace violence or threats may be a criminal matter.

For the purposes of this policy, the following definitions shall apply:

**Dangerous Weapon** - Any item, device, thing, instrument, material, or substance, whether animate or inanimate, that is designed or specially adapted for use to, or that is likely to, intentionally cause death or great bodily harm; and anything that closely resembles any such item, device, thing, instrument, material, or substance, and that was displayed or used in a manner that created the impression that the afore-mentioned thing or substance was capable of or might be used to cause death or great bodily harm.

Dangerous weapons include, but are not limited to, firearms of all types, irrespective of propellant and whether serviceable or unserviceable archery bows and cross-bows, and slingshots; explosive chemicals, compounds, and mixtures, and devices or pressurized vessels that have been altered or arranged to explode; incendiary devices; cutting and , stabbing devices, except folding knives having a blade that is three inches or less in length; taser or other similar electronic immobilizers; bludgeons and other blunt instruments or tools, including use of a vehicle to strike; poison, toxic, acidic, or caustic chemicals, compounds, and mixtures; animals that have been taught to attack on command; and in the case of individuals who have been trained in martial arts, boxing, ultimate fighting, or other fighting or defensive regimens, punching, striking, throwing, kicking, pain or submission or choke or any similar holds,

**Threat of Violence** - Any visual, verbal, or physical act, that warns of or expresses an ability or intent to harm or kill; is intended to intimidate or create fear; or has the purpose of unreasonably interfering with an individual's reasonable expectation of a peaceful, non-hostile or inoffensive work environment, whether made in person, by telephone, mail, written or electronic communications, or other means.

No City of Urbandale employee shall threaten to or commit an act of violence against another person, whether the person is another City of Urbandale employee or a member of the public.

Prohibited conduct includes but is not limited to the following:

- Threats of violence;
- Open display or brandishing of a Dangerous Weapon;
- Possession of a Dangerous Weapon within a City of Urbandale building or in a City of Urbandale vehicle, unless specifically authorized by the Police Department and Department Director;
- Intentionally damaging real or personal property of the City of Urbandale or of another individual;
- Committing acts of harassment;
- Communicating contempt or hatred on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability;
- Stalking or conducting harassing surveillance;
- Any other act or statement that a reasonable person would perceive as constituting a threat or act of violence.

This policy **does not** apply to:

- Conduct by Police and Fire Department personnel while performing any and all duties within the scope of their employment, or Dangerous Weapons carried or possessed by such personnel or any other law enforcement officer in conjunction with their employment and duties. The respective Chiefs may set additional policies for their Department, as a whole or for any given individual, that are either more restrictive or more lenient than this global policy, as deemed necessary by the Chief to ensure that they are appropriately equipped to perform all tasks and duties of their employment, and for personal protection and off-duty obligations that may relate to their profession, as in the case of law enforcement officers.
- Personally owned folding knives having a blade that is not more than 3" in length.
- Knives, scissors, items, devices, things, instruments, materials, or substances that are used as tools to accomplish work assignments, but subject to review and approval by the Department Director in the case of any dispute or question pertaining to their necessity or how they are being used.

### **Personal Firearms**

An employee may keep legally possessed archery equipment and firearms that are owned by the employee, or a member of the employee's immediate household, in the employee's personal vehicle while it is parked on City of Urbandale property. Any such archery equipment and firearms shall at all times be and remain secured within the vehicle in accordance with State law. However, if anyone violates or abuses this privilege, the Police Chief or City Manager can revoke or limit the violator's ability to exercise this exception.

### **Permit to carry**

Possession of a valid permit to carry a weapon shall not be construed to exempt an employee from this policy. However, an employee's supervisor, with the express concurrence by the Police Chief and the City Manager on an individual-by-individual basis, may grant an exception for an employee holding such permit, if the exception is deemed reasonable and appropriate for protection and defense of person, or other City of Urbandale employees or officials.

### **Potential Violence**

Employee Relationships: There may be situations where relationships between two or more employees break down and become strained or negative. Any person involved in a situation in which this policy has been violated, or is reasonably expected to be violated, or who observes any such situation between other employees while not necessarily being

personally involved, should immediately discuss it with their Supervisor or Department Director, as appropriate to the circumstances.

Dealing with the Public: The City of Urbandale does not intend for employees to be subjected to violence, threats of violence, physical abuse, ongoing or escalating verbal abuse, or harassment from or by any member of the public. If an employee is a recipient of any such action, or experiences such action being directed at another individual who may or may not be a City of Urbandale employee, the employee shall immediately discuss the situation with his or her Supervisor or Department Director. If there have been threats of violence or there is a reasonable expectation of violence, the situation should be reported to the Police Department.

Reporting Procedures: An employee should immediately make a report to their supervisor or Human Resources if they think there is an alleged violation of this policy.

Emergency Situation: If an act of violence has been committed or appears imminent, Police assistance or intervention should be sought immediately, and the employee should seek a safe location. Employees should take all possible actions to avoid or withdraw from violent or potentially violent situations, and employees are strongly advised not to attempt to intercede on another's behalf, or to interject themselves into a violent or potentially violent situation.

Escalating Incident: An employee may seek the assistance of his or her Supervisor to attempt to stabilize a situation and de-escalate the potential for violence.

Non-Emergency Incident: An employee who is aware of a violation or a potential violation of this policy, or any behavior which that is threatening or may escalate into a threat or act of violence, should notify his or her Supervisor or Department Director, and/or seek immediate Police assistance or intervention. If there is any doubt, the Police should be contacted so they can assess and deal with the situation.

Retaliation: Retaliation against any employee who files a good faith report of a violation will not be tolerated and may be subject to disciplinary action.

False reports: Employees who knowingly file a false report will be subject to disciplinary action.

### **Investigations**

Any reported or alleged violation of this policy will be investigated by a Supervisor, Department Director, Police, or others designated by the City Manager. The alleged violator and the employee who reports the offense must cooperate fully with the investigation. Refusal to cooperate will be considered a violation of this policy and may be subject to disciplinary action.

Acts or threats of violence against an employee by a member of the public shall be reported to the employee's supervisor, and to the Police Department utilizing standard Police reporting forms.

All reported incidents will be investigated by the employee's Supervisor and/or Department Director; and/or by the Police according to the situation.

The City reserves the right to request assistance from law enforcement to search an employee, employee's vehicle, workplace, or personal affects in accordance with State law as part of an investigation of a possible violation. Searches may be conducted without prior notice and without the employee being present.

### **Enforcement**

An employee may be arrested and prosecuted if a criminal offense has been committed. Any employee who is found to have violated this policy shall be subject to disciplinary action, which may include termination of employment. Any employee found to have maliciously filed a complaint alleging a violation of this policy shall be subject to disciplinary action, which may include termination of employment.

## Cooperation in Investigations

All employees are required to fully cooperate with any representative of the City who is conducting a work-related investigation. Employees will be disciplined for lying to any representative of the City, or providing information to any representative of the City which is dishonest, misleading, inaccurate, or incomplete.

Employees will also be disciplined for impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by any representative of the City. "Obstructing" includes, but is not limited to, threatening, intimidating, or coercing other individuals who may be contacted by a representative of the City, and discouraging other individuals who may be contacted by a representative of the City from responding to or cooperating with the City. "Failing to cooperate" includes, but is not limited to, failing to provide information, documents, or materials requested by a representative of the City, and providing information, documents, or materials to a representative of the City which are dishonest, misleading, inaccurate, or incomplete.

## MOTOR VEHICLE SAFETY POLICY

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The City of Urbandale is dedicated to protecting all employee drivers, their passengers, and the general public from injury arising out of the use of motor vehicles for City business.

Employees holding jobs requiring regular driving for business as an essential function must, as a condition of employment, be able to meet the driver approval standards of this policy at all times. New hire and annual MVR reports will be completed by the Human Resources Department for all employees that are required to drive for their employment with the City. For all other jobs, driving is considered only an incidental function of the position. For CDL drivers, in addition to the annual MVR check, the City is also required to perform an annual check via the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse.

Employees who are approved to drive on City time are authorized to operate a motor vehicle only under the following conditions:

1. The employee maintains a valid driver's license.
2. The employee operates the vehicle in a safe, defensive manner, obeying all traffic laws.
3. The employee and his or her passengers wear their seat belts.
4. Employees must report any accident, theft or malicious damage which occurs while driving on City time, to their department director and the Human Resources Director, regardless of the extent of the damage or lack of injuries. Employees are expected to cooperate fully with authorities in the event of an accident.
5. The employee assumes the full responsibility for any traffic violations and fines arising out of the use of the vehicle.
6. The employee will maintain adequate insurance coverage as required by law.
7. Employees are not permitted, under any circumstances, to operate a personal or City vehicle for City business when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any personal or City vehicle while on City business while using or consuming or while they are under the influence of alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication or intoxication.
8. Driving record (MVR) free of any convictions within the past three years for:
  - a. Alcohol (above the legal limit) and/or drug related driving offenses
  - b. Refusal to submit to a Blood Alcohol Content (BAC) test
  - c. Reckless Driving
  - d. Leaving a scene of an accident
  - e. A felony, manslaughter, or homicide involving use of a motor vehicle

Any incidences which are in conflict with this policy must be reported to the Department Director and the Human Resources Director.

# SECTION 11: PROGRESSIVE DISCIPLINE

The City of Urbandale strives to provide a good working environment for all employees. The desire is expressed in many forms, such as safe working conditions, a friendly work environment, maintenance of facilities and equipment, equitable wage structures, and competitive benefit programs.

All employees have the responsibility to fellow employees and the public to conduct themselves according to certain rules of good behavior, conduct, and performance. In any business, some rules are needed to help everyone work together by letting them know what is expected. Expectations for behavior, conduct, and performance are expressed through various means, including but not limited to, written policies and procedures, work rules, classification specifications, safety manuals, performance reviews, and federal and state laws. The City of Urbandale's Discipline policy will be applied in absence of a department specific discipline policy.

## PROGRESSIVE DISCIPLINE

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

The City of Urbandale supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, HR best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedure. The City of Urbandale reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

In adherence to Iowa Code, employees should be advised that documents placed in an employee's personnel file that provide the reasons and rationale for certain disciplinary actions are considered public records and must be provided in response to an open records request. This includes documents relating to resignation in lieu of termination, discharge from employment, and a demotion as a result of disciplinary action.

The following outlines the City of Urbandale's progressive discipline process:

The City of Urbandale reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and termination.

**Verbal warning:** A supervisor verbally counsels an employee about an issue of concern and a written record of the discussion is placed in the employee's file for future reference.

**Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, termination may occur.

### **Suspension**

In the case of serious, intentional, or repeated transgressions, or in the case where an employee's performance or conduct has not improved as a result of prior discipline, an employee may be suspended without pay. With the approval of the City Manager, the department director may suspend an employee without pay for up to 30 calendar days. The employee shall receive a written notice of the suspension which documents the specific acts or omissions upon which the discipline is based as well as the expected corrective action. Following suspension, continued substandard conduct or performance may warrant a higher degree of discipline.

Employees who are exempt from the Fair Labor Standards Act shall not be subject to suspension without pay for periods of less than a seven-day work period.

### **Demotion**

The department director may, with the approval of the Human Resources Director, demote an employee. An employee who is demoted must possess the minimum qualifications for the lower position. The employee shall be given timely written notice of the demotion and the reasons for the action.

The employee may be allowed to retain the same rate of pay in the lower position as was held in the higher position before the demotion, providing that the employee's rate of pay is not higher than the maximum rate of pay for the lower position. Upon the department director's recommendation and with the approval of the Human Resources Director, further reduction in pay may be ordered.

### **Discharge**

With the approval of the City Manager and the Human Resource Director the Department Director may terminate an employee.

### **Probationary Employees, Seasonal/Temporary Employees**

This policy and process does not apply to employees who have not completed their probationary periods or to seasonal/temporary or intermittent employees. The City retains the right to dismiss a probationary, seasonal/temporary, or intermittent employee without any requirement to pursue progressive disciplinary procedures when it is determined that the employee's conduct or job performance warrants immediate dismissal. In addition, not every step will be taken in each case.

The City retains the right to impose discipline, including possible termination for all employees depending on the seriousness of the misconduct. This policy is not to be construed as creating a contractual right to continued employment or alter the at-will nature of the employment relationship.

# SECTION 12: WORKPLACE EXPECTATIONS

## CONFIDENTIALITY

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The public and other parties with whom we do business entrust the City of Urbandale with important information relating to their businesses. It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a “need to know.” If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

All inquiries from the media regarding the City must be referred to the designated department spokesperson.

## ETHICS, CONFLICT OF INTEREST AND GIFTS POLICY

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It is the policy of the City of Urbandale that elected officials, commission members, board members, committee members, employees and professional consultants (“City Officials”) shall not use their official position or the knowledge gained therein in such a manner that a conflict would develop between the City of Urbandale’s interest and their personal affairs. These individuals shall avoid any conflicts between their personal and outside interests and the interests of the City of Urbandale and shall avoid any conduct which might adversely affect or appear to affect the exercise of their official judgment.

For the purpose of this policy statement, the following definitions apply:

“Gift” means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

“Restricted donor” means a person who is in any of the following categories:

1. Is or is seeking to be a party to any one or any combination of sales, purchases, leases or contracts to, from or with the City of Urbandale in which the donee holds office or is employed.
2. Will personally be or is the agent of a person who will be directly and substantially affected financially by the performance or non-performance of the donee’s official duty in a way that is greater than the effect on the public generally or in a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.
3. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before the City of Urbandale and over which the donee has discretionary authority as part of the donee’s official duties or employment with the City of Urbandale.
4. Is a lobbyist or the client of a lobbyist with respect to matters within the donee’s jurisdiction.

### **Personal**

Urbandale Officials should avoid participating financially, directly or indirectly, in any business enterprise which might influence or be thought to influence their official decisions or actions. In determining whether particular outside employment or activity creates an unacceptable conflict of interest, the official should follow these guidelines:

- The outside employment should not involve the City of Urbandale’s time, facilities, equipment or supplies or the use of the City of Urbandale’s badge, uniform, business card or other evidences of office or employment. This prohibition does not extend to off duty police officers who provide authorized private duty security.
- The outside employment should not involve the receipt of compensation or other consideration by an individual for performing his/her regular duties for the City of Urbandale.



- The outside employment should not be subject to the official control, inspection, review, audit, or enforcement authority of the individual during the performance of his/her regular duties for the City of Urbandale.

### **Gratuities**

All City Officials, and the members of their immediate families, should avoid accepting any payments, gifts, favors, special discounts, or other benefits of value from any party doing business with the City of Urbandale, seeking to do business with the City, acting as a lobbyist or involved in a regulatory or policy matter in front of an official body of the City of Urbandale, except as otherwise allowed under this policy.

### **Outside**

Urbandale Official shall not hold a position with any other business enterprise or governmental body which would conflict with or reasonably might conflict with the proper performance of his or her civic duties or responsibilities or which might tend to influence his or her impartial judgment with respect to dealings between the City and such other business enterprise or governmental body.

### **Employee Practices**

- A City Official shall not use any property which belongs to the City of Urbandale for any private purpose nor shall any City Official perform any non-employment related duties while on City of Urbandale time.
- A City Official shall not have interest, direct or indirect, in any contract or job of work or material or the profits thereof of services to be furnished or performed for the City of Urbandale unless he or she meets one of the exceptions as delineated in Code Section 362.5 of the Iowa Code. A contract entered into in violation of this section is void.
- No City Official will allow the authority of the City to be used nor be involved in using the authority of the city in making purchases for any employees or individuals for their personal use.
- No City Official shall lease any property to the City
- Urbandale Officials shall not endorse commercial products by agreeing to use his/her photograph, endorsement or quotation in paid or other commercial advertisements, whether or not for compensation.
- Any City Official making an unreasonable purchase or one otherwise outside of the normal purchasing procedures may, at the direction of the City Manager, be held personally liable for payment of the expenditure.
- Any City Official found guilty of violating any of the above provisions will be subject to disciplinary action, up to and including termination, if the Official is an employee, and will be subject to other appropriate sanction, if the Official is not an employee.

### **Disclosure**

If at any time a commission member, a board member or any employee of the City of Urbandale or member of their immediate family finds that he or she has or is considering the assumption of a financial interest or outside relationship which reasonably might involve a conflict of interest with the City of Urbandale, it shall be his or her duty to make timely disclosure of the facts to the appointing authority. Under such circumstances, except as otherwise instructed by the City of Urbandale at the full disclosure of the facts, the individual should refrain from exercising responsibility in any matters concerning the City of Urbandale which reasonably might be considered to be affected by self-interests.

## **CODE OF ETHICS**

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All City Officials should be dedicated to the highest standards of honor and integrity in public service. The effectiveness of City Officials depends on their ability to maintain the public's trust and confidence. Through their daily actions, officials depict the character of the City of Urbandale. Additionally, these individuals should be forthright in their dealings with the public and should remember that they hold office for the benefit of their constituents. Finally, local officials must create public confidence where it is lacking and maintain it at all times by demonstrating a sincere adherence to ethical standards

All City Officials should exercise extreme caution in handling public funds. The investment of idle funds by appointed officials should be consistent with the policies approved by the Urbandale City Council. City Officials should avoid

unnecessary risks in their investments and should strive to protect the investment principle whenever possible. City Officials should aggressively pursue any instances of fraud or mismanagement of public funds.

City Officials have a responsibility to report violations of law or of the City of Urbandale's ethical standards, if they have compelling evidence to support allegations of violations. Such report should be made in confidence, in order to protect the rights of the accused and to avoid jeopardizing any necessary investigations.

In order to maintain the public's trust, appointed officials may not hire a family member to work in any subordinate classification. Additionally, relatives of elected officials, appointed commissioners, appointed board members, or appointed committee members may not be hired for full-time or part-time employment in any department in which their relation has a direct policy making or advisory role. Relatives shall be defined as spouse, domestic partner, child, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandparent, grandchild and any other relative living in the same household.

The integrity of the hiring process will be maintained if elected and appointed officials do not interfere with the selection process in any manner that may benefit a relative. City Officials should refrain from the practice of recommending any relative for employment or expressing an improper interest in the hiring process.

Discrimination based on an individual's race, color, religion, creed, sex, sexual orientation, gender identity, genetic information, national origin, ancestry, citizenship, political affiliation, age, disability, marital status, or status as a covered veteran is prohibited in accordance with applicable federal, state and local laws. No individual should be denied employment or service as a result of any of these characteristics.

Individuals should be appointed to City of Urbandale positions based on their professional qualifications. City Officials should not allow personal biases to enter the employment process. Additionally, undue influence from others outside the hiring process should be strongly resisted. All hiring decisions should conform to the Urbandale City Council's personnel policies, regulations and guidelines.

Involvement in political campaigns should be at the sole discretion of the public official and public employee. There should be no undue pressure placed on officials and employees to contribute time, money, services or items of value to political campaigns. There should be no solicitation in a way which could be construed as affecting the employee's employment. Employee participation in political activities in support of candidates, referendums, or ballot issues must take place on his or her own time and with his or her own equipment and supplies in accordance with Code Section 351-5.4 (68A) and 68A.505 of the Iowa code.

As public servants, City Officials have a responsibility to treat all persons in a respectful and courteous manner. Inquiries from the public should be addressed in a forthright manner. City Officials should also recognize the diverse backgrounds and characteristics of their constituents. This diversity should be considered a valuable asset of the community and should never be used as a reason to deny service or assistance. When appropriate, City Officials should make reasonable accommodations to ensure equitable service delivery.

City Officials should remain impartial in their consideration of public policies. They should not be unduly influenced by family relationships, business interests, religious affiliation or friendships in the formulation or adoption of rules, regulations, ordinances, resolutions or other policy matters. Additionally, services and programs should be provided to constituents in a fair and equitable manner.

City of Urbandale Officials should be non-partisan when exercising their public and official duties. They should serve as available resources for other officials and the public in a political process. Equal information must be provided to all candidates for public office.

A City Official or candidate, or that person's immediate family member, shall not directly or indirectly receive any gift or series of gifts from a restricted donor. A City of Urbandale Official or candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time. However, an otherwise prohibited

non-monetary gift can be accepted if it is donated within thirty days to a public body or a bona fide educational or charitable organization.

**Exceptions:** The following gifts may be received by City Officials, candidates or members of the immediate family of City Officials, or candidates:

- Contributions to a candidate or a candidate's committee
- Informational material relative to a City of Urbandale Official's official functions, such as books, pamphlets, reports, documents, periodicals or other information
- Anything received from anyone related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related
- An inheritance
- Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient
- Items received from a bona fide charitable, professional, educational or business organization to which the donee belongs as a dues paying member, if the items were given to all members of the organization
- Actual expenses of food, beverages, registration, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities. If any such expenses are being reimbursed or paid for by the City of Urbandale, then any funds should be returned to the City of Urbandale to eliminate double payment for such items
- Plaques or items of negligible resale value which are given as recognition for the public services of the recipient
- Non-monetary items with a value of \$3.00 or less that are received from any one donor during one calendar day
- Items or services received at a business or educational conference, seminar or other meeting sponsored by a government organization of which the City is a member
- Items or services received at a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by a government organization of which the City of Urbandale is a member
- Funeral flowers or memorials to a church or non-profit organization
- Gifts which are given to a City Official for that official's wedding or 25<sup>th</sup> or 50<sup>th</sup> wedding anniversary.
- Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a City of Urbandale board, commission, committee or City Council
- Gifts of food, beverages, travel or lodging received by City Officials involved in an economic development activity, in a manner consistent with the restrictions contained in Code Section 68b.22 of the Iowa Code.
- Gifts other than food, beverages, travel and lodging received by a City Official which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the donee.
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a City Official attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a City Official in the performance of the person's official functions" under this paragraph.
- Honorariums presented to a City Official for providing any type of service or presentation to a non-City of Urbandale group, except when such services or presentations are being performed as part of City of Urbandale reimbursable time. If a City Official is being reimbursed via salary and/or travel expenses for participation in the event for which the honorarium is being presented, then the honorarium amount should be remitted to the City of Urbandale. Only if the event for which the honorarium is being presented, is occurring on the City Official's personal time, may the City Official retain the honorarium.

Human Resources will provide all City Officials a copy of this statement upon initial employment and will be required to reaffirm their understanding of the policy on an annual basis. Annual reaffirmation may be in writing, or in electronic format, and will include disclosure of any known non-compliance with the policy.

Failure to complete the reaffirmation will result in disciplinary action consistent with status of the City Official (i.e.: employee could be terminated, an appointed official could be removed from his or her position).

In the event a City Official becomes aware of any instance of non-compliance with this policy in between reaffirmation periods, the City Official should immediately report their non-compliance to the Mayor, City Manager, or Audit Committee Chairperson.

## OMBUDSMAN

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The Office of Ombudsman was established by and operates under the authority of Iowa Code Chapter 2C. The office has adopted rules, Iowa Administrative Code [141], regarding the office's organization, practices and procedures. The Office of Ombudsman serves as an independent and impartial agency to which citizens can air their grievances about government. By facilitating communications between citizens and government and making recommendations to improve administrative practices and procedures, the Ombudsman promotes responsiveness and quality in government.

The Ombudsman has authority to investigate complaints about Iowa state and local government, with certain exceptions. The Ombudsman attempts to resolve most problems informally. Following an investigation, the Ombudsman may make findings and recommendations and publish a report.

### Contact Information

1-888-426-6283 Toll-free number  
1-515-242-6007 Fax

Office of Ombudsman  
Ola Babcock Miller Building  
1112 East Grand  
Des Moines, Iowa 50309

[ombudsman@legis.iowa.gov](mailto:ombudsman@legis.iowa.gov)

## WHISTLEBLOWER POLICY

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It is the purpose of this policy to provide City Officials of the City of Urbandale with a means by which to report improper governmental action, to protect those City Officials who make good-faith reports to appropriate governmental bodies and to ensure that there will be no retaliation for having made such reports. For purposes of this policy, the term "City Officials" means elected officials, commission members, board members, committee members, employees and professional consultants.

It is the policy of the City of Urbandale that all City Officials are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of any City Officials. Every City Official has the right to report to the appropriate person, information concerning an alleged improper governmental action.

"Improper governmental action" is any action by any City Official of the City of Urbandale that:

- Is undertaken in the performance of his/her duties, whether or not the action is within the scope of the City of Urbandale's Official's employment; and
- Is in violation of any federal, state or local law or rule;
- Is an abuse of authority;
- Is of substantial and specific danger to the public health or safety; or

- Is a gross waste of public funds

“Improper governmental action” does not include personnel actions, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of applicable collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any other personnel action taken under authority of state law.

“Abuse of authority” means intentional misuse of power or position by any City Official for an improper purpose.

“City Official” means all City elected officials, commission members, board members, committee members, employees and professional consultants.

“Emergency” means a circumstance that, if not immediately changed, may cause damage to persons or property.

“Good faith” means action taken after a reasonable investigation of facts available to the City Official, and after due consideration and with an honestly held belief that there was improper conduct.

“Gross waste” means a significant or recurring intentional misuse of public funds, and does not include unintentional errors.

“Retaliatory action” means any adverse change in a City Official’s employment status or in the terms and conditions of a City Official’s employment based on the reporting by the City Official of improper governmental actions.

#### **Reporting procedures for improper governmental action**

A City Official who becomes aware of improper governmental actions shall raise the issue first with his/her supervisor. If the action involves an elected official, then the report shall be made to the City attorney. The City Official shall submit a written report to the supervisor or to some person designated by the supervisor, stating in detail the basis for his/her belief that an improper governmental action has occurred. Where the City Official reasonably believes the improper governmental action involves his/her supervisor for some other reason does not feel comfortable making a report to his/her supervisor, then the City Official shall submit the written report to the Chair of the Audit Committee or to the State Ombudsman, except in those cases where the supervisor is an elected official, and in that case the written report shall be submitted to the City attorney. If a meeting is requested as a part of the investigation, then the reporting City Official may be accompanied by another person of his/her choice to such meeting.

City Officials involved in any investigation shall keep the identity of the reporting City Official(s) confidential to the extent possible under law, unless the City Official authorizes the disclosure of his/her identity in writing.

In case of an emergency where the City Official believes that damage to persons or property may result if action is not taken immediately, the City Official may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action and shall also report the action to the City attorney.

In the absence of an emergency, City Officials reporting improper governmental action who fail to make a good-faith effort to follow the procedures set forth in this policy shall not receive the protection provided by this policy or state law. City Officials who make false reports may be subject to disciplinary procedures.

The supervisor, the Chair of the Audit Committee, or the City attorney, as the case may be, shall take prompt action to notify the State Ombudsman regarding the report of improper governmental action and work with the State Ombudsman to coordinate a proper investigation, either through internal means or independently by the State Ombudsman’s office. An investigator may be appointed by the Chair of the Audit Committee, and the City Official shall be advised that a prompt investigation is occurring. Emergency situations shall receive appropriate expedited response. Non-emergency situation shall receive serious, prompt attention.

After the investigation has been concluded, the results will be shared with the Mayor and City Manager, who shall decide (1) the appropriate action that should be taken to address the reported improper governmental action and (2) what, if any, personnel action is required. If the investigation involved the City Manager, the results would be shared with the Mayor only. If the investigation involved the Mayor, the results would be shared with the Mayor Pro-Tem and the City Manager.

The City Council shall be provided with a copy of the City Official's written report, the investigation report, and the Mayor/Mayor Pro-Tem/City Manager's proposed action. Provided, however, where the alleged improper governmental action involves an elected official, the City council shall review the investigation report and determine what course of action should be taken to address the improper governmental action.

After an investigation has been completed, the reporting City Official shall be provided a summary of the result of the investigation. However, personnel actions taken as a result of the investigation shall be kept confidential. There shall be no time limit on reporting improper governmental action.

After an investigation has been completed and the reporting City Official has been provided with a summary of the results, the City Official may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City Official reasonable believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, that insufficient action has been taken by the City to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.

#### **Protection against retaliatory actions**

City Officials are prohibited from taking retaliatory action against a City Official because he/she has, in good faith, and in accordance with this policy, reported an improper governmental action.

City Official who believes he/she has been retaliated against for reporting an improper governmental action shall first raise the issue with his/her supervisor. If the action involves an elected official, then the report shall be made to the City attorney. The City Official shall submit a written report to the supervisor or to some person designated by the supervisor, stating in detail the basis for his/her belief that he/she has been retaliated against for reporting an improper governmental action. If the City Official reasonably believes that the person committing the retaliatory action was his/her supervisor, then the City Official shall submit the written report to the Chair of the Audit Committee, except in those cases where the supervisor is an elected official, and in that case the written report shall be submitted to the City attorney.

The following steps shall be followed if a City Official feels he/she has been retaliated against for reporting improper governmental action:

1. The City Official must provide written notice to the appropriate person designated above, within thirty (30) days of the alleged retaliatory action. The written notice shall specify the alleged retaliatory action and the relief requested.
2. The responsible person, as designated in subsection B above, will respond to the allegation within thirty (30) calendar days.
3. After receiving the City's response or after the City's 30-day response period has expired, the City Official may, within fifteen (15) calendar days, request a hearing.
4. If a hearing is requested, the City shall apply for a hearing before an administrative law judge licensed in the State of Iowa. Such request for a hearing shall be made within five (5) working days.

#### **Responsibilities**

The City Manager, or the City Manager's designee, is responsible for implementing the City's policies and procedures for (1) reporting improper governmental action, and (2) protecting City Officials against retaliatory actions. This includes ensuring that:

1. This policy is permanently posted where all City Officials will have reasonable access to it, which includes posting on the City of Urbandale intranet;

2. To the extent practical, training and education is provided to all current City Officials on the whistleblower policy;
3. This policy be made available to any City Official upon request; and
4. This policy is provided to all new hires.

Officials, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations by a City Official of this policy and the procedures specified therein may result in disciplinary action, up to and including termination.

The Chair of the Audit Committee is responsible for keeping an accurate log of all submissions made under this policy. This information shall be reviewed annually with the Mayor, City Manager and City Council. This information shall also be disclosed to the external auditors on an annual basis.

## OUTSIDE EMPLOYMENT

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Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete with, conflict with or compromise the City interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any services for customers on nonworking time that are normally performed by the City of Urbandale. This prohibition also extends to the unauthorized use of any City tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If the City of Urbandale determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination. Employees who are on approved FMLA leave may not engage in other employment while on FMLA from the City.

## ATTENDANCE

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Vacation and holidays must be scheduled with the employee's supervisor in advance. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

If an employee is absent because of an illness for three (3) or more consecutive days, or if a supervisor has a reasonable suspicion that sick leave is being abused, the supervisor may request that the employee provide written documentation from the attending physician as to the reason for the absence and must advise Human Resources of the absence. The employee is required to provide written documentation from a doctor that he/she is able to resume normal work duties before the employee will be allowed to return to work. Employees are responsible for any charges made by their doctors for this documentation.

Not reporting to work or not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.



## DRESS CODE

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It is important for all employees to project a professional image while at work by being appropriately attired. City employees are expected to be neat, clean and well-groomed while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed. If clothing is deemed questionable, the Department Director will address it with the individual employee.

All employees are expected to maintain a basic and proper level of hygiene, regardless of position within the City. Excessive perfume or cologne should be avoided in consideration of other employees and/or the public who might be allergic or sensitive to chemicals found in perfumes/colognes.

## COOPERATION IN INVESTIGATIONS

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All employees are required to fully cooperate with any representative of the City who is conducting a work-related investigation. Employees will be disciplined for lying to any representative of the City, or providing information to any representative of the City which is dishonest, misleading, inaccurate, or incomplete.

Employees will also be disciplined for impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by any representative of the City. "Obstructing" includes, but is not limited to, threatening, intimidating, or coercing other individuals who may be contacted by a representative of the City, and discouraging other individuals who may be contacted by a representative of the City from responding to or cooperating with the City. "Failing to cooperate" includes, but is not limited to, failing to provide information, documents, or materials requested by a representative of the City, and providing information, documents, or materials to a representative of the City which are dishonest, misleading, inaccurate, or incomplete.

## SECTION 13: ELECTRONIC COMMUNICATION AND INTERNET USE

The following guidelines have been established for using the Internet, City-provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, City-provided equipment (e.g., cell phone, laptops, computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon the City of Urbandale or be contrary to the City of Urbandale's best interests; and engaging in any illegal activities, including piracy, hacking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and City-provided equipment such as cell phones and laptops.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact IT with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the City.

### Right to Monitor

All City-supplied technology and City-related work records belong to the City and not to the employee. The City of Urbandale may monitor use of City-supplied technology. At any time and without prior notice, the City reserves the right to examine e-mail, voice mail, personal file directories, and other information stored on or transmitted through City computers or other technology. An employee's use of the City's computer systems or electronic technology constitutes consent to such examination. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

During the employee's working hours, the use of employee-owned computers and electronic devices, whether accessed via the City's System or otherwise, is subject to the City's Electronic Communication and Internet Use Policy. This includes, but is not limited to, access to the Internet, communication on personal webpages, transmission or receipt of e-mail messages, blogging, instant messaging, use of regular and cellular phones, voicemail, and/or text messaging.

### Violations

The use of the City's e-mail and internet is a privilege afforded to authorized users. This privilege may be revoked at any time for violations of this policy. The City Manager or a designee will evaluate violations of this policy on a case-by-case basis. Employees found to have violated this policy, or to have engaged in illegal or unethical practices, will be subject to disciplinary action, which could include termination of employment and criminal prosecution.

### SOCIAL MEDIA POLICY

Online social media platforms such as Facebook, LinkedIn, Instagram, Snapchat, and Twitter are an evolving gathering place for hundreds of millions of people, encompassing a broad sweep of online activity, including social networks (Facebook, Yelp, Instagram, Snapchat, and Twitter) and professional networks (LinkedIn, blogs and webinars). Because such media is a far-reaching means of communication, every City of Urbandale employee engaged in social media is expected to use it responsibly.

In establishing a formal social media policy, the City of Urbandale is hoping to provide employees with a clear, straight-forward set of standards to guide personal and professional social media behavior. As social media use and tools evolve, so will this policy. It will be evaluated and amended as needed.

### **Social Media Guidelines**

The City of Urbandale will not place restrictions on which social media sites its employees can join during their personal time. The City of Urbandale hires talented people, and, therefore, trusts each employee to conduct themselves in a professional manner. If an employee is clearly identified as an employee of the City of Urbandale, the employee has a responsibility to consistently and professionally act in a manner that maintains the City of Urbandale's business reputation, whether using social media for personal or professional reasons. Additionally, employees may not set up additional social media groups on behalf of the City of Urbandale, such as LinkedIn groups, Facebook pages or Twitter accounts. The use of the City logo or brand is prohibited. Any communications concerning City employees that are posted using social media sites must not violate any guidelines set forth in the "City of Urbandale Policy and Procedures Manual," especially as it relates to discrimination, unlawful harassment or safety issues.

### **Professional Social Networks and Business-Related Blogs**

In general, employees are free to participate in professional networking and business websites (i.e. LinkedIn, City blog), and may identify themselves as employees of the City of Urbandale when doing so. Because the employee's professional online identity reflects directly on the City of Urbandale, all such communications must meet the standards of professionalism expected of City employees and align with the City of Urbandale's "Code of Conduct and Ethics Policy." In addition, employees should ensure their online profile, including biography and credentials, is accurate and unembellished.

Employees need to be wary of posting anything that might constitute a violation of personal privacy laws (HIPAA, etc.). Doing so could expose the employee and the City of Urbandale to serious legal trouble. If an employee is commenting on a professional site, a disclaimer should be issued clearly stating that the opinion is solely of the employee, and not representative whatsoever of the City of Urbandale (i.e. the views expressed are mine alone and do not necessarily reflect the views of the City of Urbandale). Employees also shall not disclose any non-public information concerning the City of Urbandale or its various stakeholders. The City of Urbandale reserves the right to remove potentially sensitive material from any of its own social networking pages (i.e. specific information on a stakeholder, something that is inappropriate or offensive, SPAM, etc.).

While an employee may disagree with City actions, you may not personally attack or post material that is malicious, obscene, threatening or intimidating or that might constitute bullying or harassment. Examples of such posts might include pictures that are meant to harm a person's reputation or that contribute to a hostile work environment on the basis of age, race, sex, religion, disability, or any other status protected by law

Nothing contained in this policy is intended to, nor shall be interpreted as, limiting an employee's right to free speech or an employee's right to engage in concerted activity aimed at affecting a change in the workplace, as protected by the Public Employment Relations Act.

Employees are trusted with confidential information. Employees are only to use such confidential information for the intended business purpose of the City of Urbandale. Employees will not share confidential information with anyone outside of the City of Urbandale, including family and friends, or with other employees of the City of Urbandale who do not need the information to carry out their duties. The obligation of employees to keep all information confidential continues even after employment with the City of Urbandale ends.

### **Personal Social Networks (Facebook, Twitter, Instagram, Yelp Snap Chat, etc.)**

When using personal social networks, employees should recognize that the information they post can impact their career and personal and professional reputations. Accordingly, employees should exercise judgment and discretion with the information that they post, as well as when determining whom they invite to join their social networks, including consideration of the appropriateness of inviting other employees.

When using a personal or non-work-related social network, employees must use a personal email address. Communications should not be attributed to the City of Urbandale nor appear to be endorsed or originated from the City of Urbandale. While the City of Urbandale does not require employees to disclose their identity when participating in online media, the City of Urbandale reserves the right to investigate and identify the authors of inappropriate posts or comments that may be related to the City of Urbandale, its stakeholders or employees.

### **Policy Enforcement**

Any known or suspected violations of this policy will be investigated and may result in disciplinary action up to and including termination of employment.

## **CELL PHONE POLICY**

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Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.

Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action. Further, for employees who operate city vehicles, distracted driving due to cell phone use is prohibited. To observe safe vehicle operations, whenever practical and safely possible, employees driving city vehicles should pull over to a safe off-of-the-roadway location to initiate or to continue any non-emergency call. Texting while driving in Iowa is illegal per state law. If it determined that cell-phone usage was a factor in an at-fault accident (ticketed) while operating a city vehicle, the employee will be subject to discipline up to and including termination.

The City of Urbandale may issue cell phones to employees whose jobs require them to make calls while away from work or require them to be accessible for work-related matters. Authorized cell phone users of the City of Urbandale must adhere to the cell phone policy guidelines.

# SECTION 14: MISCELLANEOUS POLICIES

## MILEAGE REIMBURSEMENT

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Employees may use their personal vehicle for business only if the use of a City vehicle is not feasible and approved by their department director. Employees using personal vehicles for business purposes will be reimbursed based on miles traveled. If using their personal vehicle for conference travel, mileage reimbursement would be less the employee's normal to and from work commuting miles and at the allowable rate established by the IRS. This rate is regularly reviewed and adjusted based on IRS guidelines. *IE: An employee normally drives 5 miles each morning to work, and 5 miles back home. If they instead drive to a conference 20 miles away, then they would be eligible for reimbursement of 30 miles for that conference (20 to conference, 20 from conference, less 10 commuting miles).*

- Any employee that receives a monthly car allowance is not eligible for personal vehicle mileage for any in-state travel. Travel to an out-of-state conference is eligible for reimbursement.
- If an employee elects to use a personal vehicle when a City vehicle is available for use, the employee may only be reimbursed for the lesser of actual gas receipts or mileage.

In order to be reimbursed for mileage, an employee must complete a Mileage Reimbursement Form.

Whenever an employee is utilizing a City vehicle, or personal vehicle for City business, it is the policy of the City of Urbandale, that:

- All drivers and passengers must wear seatbelts.
- All drivers are required to comply with all traffic regulations, laws and ordinances when operating the vehicle. This includes the law prohibiting texting while driving.
- All drivers utilizing a personal vehicle for City business, including employees receiving a vehicle allowance, must:
  - Each driver must have a valid Iowa Driver's License. The proof of a valid license is to be given, on demand, to the City Manager or designee.
  - Each driver must provide proof of insurance by producing a copy of the policy or certificate of coverage showing the policy number, expiration date, and coverage for a minimum as set by Iowa Code 321A.21.2.b, as set at \$20,000/\$40,000/\$15,000, on demand to the City Manager or designee.
- At no time should employees jeopardize the safety of themselves, other City employees, or the public when operating a motor vehicle.

## GENERAL PHOTO RELEASE POLICY

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Occasionally the City may take employee photographs at City-sponsored events. Distribution of employee photos will be limited to internal communication purposes only, such as the staff newsletter. Photos will not be used for external commercial marketing purposes without the employee's prior written consent. It is the employee's responsibility to contact the Director of Marketing & Communications to opt out of internal non-commercial photo distribution.

## Appendix A: DEFINITIONS

*ADMINISTRATIVE LEAVE* means the absence from the workplace for a reason not covered by another policy. This can be with or without pay.

*ALLOCATE* means the act of assigning positions to classes in relation to the level of responsibility and types of duties performed.

*APPEAL* means an application for review of a complaint submitted or instituted by an employee to a higher authority.

*APPOINT* means the act of the appointing authority, in assigning to a position, such applicant or applicants as have been recommended for employment.

*APPOINTED POSITION* means a position to which the incumbent is appointed by the City Manager or designee, Administrative Board, or Commission in accordance with the Municipal Code.

*APPOINTING AUTHORITIES* means the City Manager or designee, duly authorized Administrative Boards, or Commissions.

*CERTIFY* means the act of the Civil Service Commission in supplying a recommending or appointing authority with the names of applicants who are eligible for appointment to the class and positions for which certification is requested and signifies an endorsement of the candidates as meeting required standards for employment.

*CITY COUNCIL* means the Mayor and Council Members elected by the residents of Urbandale.

*CIVIL SERVICE EMPLOYEE* means employees placed under Civil Service by the City of Urbandale and who have been certified through examination by the Civil Service Commission, and appointed to the position by an appropriate appointing authority.

*CIVIL SERVICE ELIGIBLE LIST* means a list of all persons who have qualified for appointment to positions within a certain civil service class and who have not yet been appointed to such class.

*CLASSIFICATION SPECIFICATION OR JOB DESCRIPTION* means a written description of a class of positions consisting of a class title, a statement of the nature and level of work, illustrative examples of work, and desirable qualifications for entry into the class of positions.

*COMPENSATION (PAY) PLAN* means the official schedule of pay approved by the City Manager and City Council assigning ranges (*grades*) of pay to each class title.

*COMPENSATORY LEAVE* means time off from work in lieu of monetary payment for overtime work. Compensatory leave is only available to non-exempt employees.

*COMPLAINT* means a dispute between an employee(s) and a supervisor or because of the conditions of this employment arising out of a belief on the part of the employee(s) that he/she is being treated unfairly.

*DEMOTION* means the involuntary assignment of an employee from one position to another which has a lower classification, reduced responsibilities and a lower pay range.

*DOMESTIC PARTNER* is defined by the Declaration of Domestic Partnership on file with the Human Resources department. This form must be on file and approved prior to the need and request to utilize any benefits related to domestic partnership covered by this handbook or the City's health and dental plans.

*EXAMINATION* means the process of testing, evaluating, or verifying qualifications of applicants and employees.

*EXEMPT CLASSIFICATION* means a classification specification/job description that does not receive overtime if the employee works more than 40 hours in a week, based on Fair Labor Standards Act exemptions.

*FAMILY* means mother in-law, father in-law, sister, sister in-law, brother, brother in-law, grandparent, grandchild, or any other relative living in the same household.

*FULL-TIME EMPLOYEE* means an employee who has successfully completed the new hire probationary period and who now holds a regular full-time appointment in the City.

*GENERAL SCHEDULE ADJUSTMENT* means an increase to the established salary ranges and the same increase in the compensation of individual employees within those ranges.

*HARASSMENT* means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, creed, sex, sexual orientation, gender identity, genetic information, national origin, ancestry, citizenship, age, disability, marital status, status as a covered veteran, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance' or (3) otherwise adversely affects an individual's employment opportunities.

*IMMEDIATE FAMILY* means spouse, domestic partner, child, stepchild, parent or step-parent.

*INVOLUNTARY TERMINATION* means a severance from employment due to the independent exercise of the unilateral authority of the employer to terminate the employment, other than due to the employee's implicit or explicit request, where the employee was willing and able to continue performing services.

*LAYOFF* means involuntary, non-disciplinary separation of an employee from City service.

*LEAVE* means an approved absence from work as provided by these policies.

*NEW HIRE* means an original appointment to City service, or re-employment of a past employee.

*NON-EXEMPT EMPLOYEE* means an employee who is paid on an hourly basis and who must receive overtime compensation or compensatory time off for hours worked in excess of 40 hours per work week.

*OVERTIME* means hours worked by non-exempt employee in excess of the scheduled workweek.

*PART-TIME* means employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and do not meet the qualifications of a permanent part-time position, including paid on call or part-time fire staff.

*PAY RATE* means a specific dollar amount established in the schedules of the official pay plan.

*PERMANENT PART-TIME* means an employee who is scheduled a set number of hours per week greater than 20 hours and who may be eligible for City benefits and pay.

*PROBATIONARY PERIOD* means the six-month period beginning with the employee's appointment to a position in the City service as a new hire or promotion. Longer probationary periods apply to police officers and firefighters and longer probationary periods may also be designated upon hire, to the extent permitted by law.

*PROMOTION* means the assignment of an employee from one position to another, which has a higher classification and increased responsibilities.



*SEASONAL EMPLOYEE* means an employee that is hired for seasonal program/service for a period of less than a full calendar year.

*TRANSFER* means an employee may voluntarily apply for an open position within the City after the employee successfully completes their probationary period.

*VACANCY* means an unfilled position which has budget authorization to be filled.

*VOLUNTARY TERMINATION* means an employee's decision to leave a job of his or her own accord.