

CITY OF HERREID

PERSONNEL POLICY

Part-Time/Seasonal Employees

(Updated: Dec, 4, 2017)

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CITY OF HERREID PERSONNEL POLICY

This personnel policy shall be effective December 1, 2015, and replaces previous personnel policy manuals of the City of Herreid.

1. General Provisions

The Herreid City Council adopts this personnel policy and shall be the final authority over its interpretation. The purpose of this personnel policy is to establish an efficient and equitable system of personnel administration based on employee merit, free from personal or political consideration. This policy is intended to govern all conditions of employment by the City of Herreid and may be amended as the need arises.

State and Federal laws applying to municipal employees shall supercede the provisions of this policy.

At-Will Employment

The City recognizes that South Dakota is an employment at-will state and the intent of this City is to maintain that employment at-will status of all employees. This manual does not confer a contract of employment. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits. No at-will employee has any due process rights relative to any termination proceeding.

Applicability to Appointed and Elected Officials

All elected and appointed officials shall comply with all laws, including but not limited to discrimination, harassment and non-retaliation.

The Mayor is responsible for the administration of this policy, and the practices and procedures stated herein shall be the established personnel policy for all full time employees of the City of Herreid. Nothing in this personnel policy shall act or be construed to act to deprive the City or any of its officials of any of the rights, responsibilities and privileges granted by state or federal law, nor shall any provision of this document act or be construed so to act, to deny any employee any right inherent under the law.

All buildings owned by the City will be smoke free.

City Employees will be classified as follows;

Regular Part-Time Employee; An employee who is employed by the municipality to work a predetermined schedule and has completed their training period. No benefits.

Temporary or Seasonal Employee: An employee who is employed by the City to work for less than 20 hours per week or less than 6 months. No benefits.

2. Recruitment and Selection

Residency within the municipality shall be a condition of employment for full-time, essential employees. Employees must reside within the city limits of Herreid so as to not interfere or hamper the employee from fulfilling the duties of his/her position or cause the employee to miss work often.

If in the best interest of the City, promotions or transfers of individuals already employed with the City shall be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer to a higher level of employment.

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) provides rights and protection to individuals with disabilities in the areas of employment. The City is committed to the fair and equal employment of individuals with disabilities under the ADA and ADAAA. It is also the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. The employee or employment applicant shall inform the Mayor or head of the department of the need for an accommodation, and the City

shall engage in an interactive process regarding the request. The City may request documentation of the functional limitations to support the request.

Any individual who believes that (s)he or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by the City may, by himself or herself or by any authorized representative, file a complaint with the City or with the state or federal commissions.

The City of Herreid is an Equal Opportunity Employer. No applicant for employment with the City shall be favored or discriminated against because of race, color, political or religious affiliations, national origins, sex, age, handicapped status or other non-merit factors. Employees of this City shall be free to join or refrain from joining any employee union or association.

The City of Herreid is committed to providing a work environment that is free from discrimination and harassment. To maintain this commitment, the municipality will not tolerate any form of harassment, including sexual harassment. If an employee has a complaint relating to sexual harassment, the complaint should be made to the employee's supervisor. If the complaint centers on the conduct of the employee's supervisor, the employee should make an appointment to meet with the City Council and the matter will be discussed in executive session.

Under this policy, sexual harassment is defined as behavior of a sexual nature which is unwelcome and personally offensive to its recipient. It is a form of employee misconduct which is demeaning to another person and undermines the integrity of the employment relationship.

3. Probation and Certifications

There is no notice required of either party for such termination and no due process procedure will be held by the City for any disciplinary action during this time period.

4. Work Week and Work Day

All City employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their supervisor prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible. Except in cases of an emergency, if an employee is absent for a work day or part of a work day that is not authorized shall be without pay and shall be grounds for disciplinary action.

All employees are expected to exercise discretion and good taste in the matter of dress. Cleanliness and good grooming are expected of all personnel. Employees are expected to report to work each day in clean clothing.

Rest Periods

All employees shall receive a paid fifteen minute rest period during each one half shift.

Lunch break

Unpaid lunch break (duration of break to be determined by council or supervisor)

Overtime

Eligible employees may be required to work overtime. Overtime is defined as time that is worked in excess of the first 40 hours within the standard work week and does NOT include hours paid but not worked such as holidays or vacation days. Seasonal employees who work at the swimming pool do not meet overtime requirements, therefore will not be paid overtime.

Insofar as possible, the opportunity to work overtime shall be distributed as equally as practicable by the municipality among the employees in each department. Accrual of overtime shall be recorded and included with timesheet.

Overtime compensation for all overtime eligible employees shall be at the rate of one and

one-half of the employee's regular hourly rate. As stated above, time paid for but not worked does not count toward hours worked for the purpose of calculating overtime hours.

5. Compensation

The City Council shall have the authority to establish municipal salaries and fringe benefits.

Pay Period

Employees shall be paid monthly, and timecards must be turned into the finance office by the scheduled date. Payroll checks will be distributed by the 25th of that month. Council members will be paid quarterly.

Rate of Pay

Employees shall be paid at the regular rate of pay for all hours worked, not exceeding 40 hours each week.

Payroll Deductions

The Finance Officer is authorized to make established deductions from an employee's gross pay to cover Federal Income Taxes. Subject to authorization of the employee, the Finance Officer may also make payroll deductions for other purposes as approved or ordered by the City Council or Court of Law for such things as, but not limited to, child support.

Worker's Compensation

Claims must be reported immediately to the supervisor and the Finance Officer. All accidents must be reported within 3 days of the accident.

If an employee is injured on the job, all work related medical costs will be paid as well as the compensation rate for salary loss as set by the State of South Dakota

6. Travel

Travel Expenses and Use of City Vehicles

The actual cost of lodging per day will be paid by the city for all approved job related travel expenses. Also an allowance for meals will follow State Rates, subject to change, currently: \$6.00 for breakfast, \$11.00 for lunch and \$15.00 for dinner will be reimbursed at the following council meeting. When employees must use their private vehicles for approved travel, mileage shall be paid at the current rate of .45 per mile. These rates will be reviewed annually.

The City does not allow ride-alongs in City vehicles. Contractors, hired labor, mayor & council members can ride along. Exceptions may be made if approved by the Mayor to allow City personnel from other communities attending training sessions to accompany the City of Herreid driver. The City will not be responsible for losses or injuries to the employee or third person resulting from a violation of this policy.

Motor Vehicle Driving History

A motor vehicle driving history will be run on all new employees and on each existing employee annually, if driving is a job requirement. A driving history is important and will give the City insight into the driving habits of potential and existing employees.

Operating Personal Vehicles on City Business

Any employee operating a personal vehicle while on business shall sign and submit a statement to the Finance Officer. This statement should include that they have automobile liability insurance for bodily injury and property damage for at least the minimums required by the State of SD.

Driving Record Acceptability

Any employee who drives a City of Herreid or personal vehicle while in the employ of the City of Herreid whose driving record shows any one of the following conditions will be considered to have an unacceptable driving record and will not be permitted to drive until his/her

record no longer exhibits one of the criteria listed below:

1. One or more serious violation(s) in the last two years.
2. Two or more at-fault accidents in the last year involving a City of Herreid owned vehicle where the accident results in property damage of \$2,500.00.
3. More than three moving violations in the last two-year period, including traffic citations received as a result of an accident.
4. Any combination of traffic accidents and/or moving violations equaling five or more in the last two years.

Serious violations include, but are not limited to, Driving while intoxicated; Driving while under the influence of drugs; Negligent homicide arising out of the use of a motor vehicle(gross negligence); Operating a vehicle without a license; Using a motor vehicle during the commission of a felony; Aggravated assault with a vehicle; Operating a vehicle without the owner's authority (Grand theft); Permitting an unlicensed person to drive; Reckless driving; Speed contest; and Hit and Run driving.

Family and Medical Leave Act

Those employees that have been employed for at least 12 months and have worked 1250 hours in the prior 12 months are entitled to a total of 12 work weeks of leave during a 12 month period for one or more of these reasons: 1. Birth of a child; 2. Receiving a child through adoption or foster care; 3. To care for a spouse, child or parent who has a serious health condition; and 4. An employee's own serious health condition. All eligible accrued leave is to be used prior to using unpaid discretionary leave. Doctor statements will also be required to support the leave requests. No additional leave or other benefits shall accrue during such leaves without pay. FMLA time off starts with the use of sick leave and vacation/comp time.

Jury Duty

Employees summoned to serve on a jury or subpoenaed to testify in court shall receive their regular salary less the amount of compensation received from the court. Employees may use vacation time for jury duty, and if they so choose, they may keep the pay they receive from jury service.

Military Leave

Military service personnel must apply for a leave of absence from the Department Head before attending service school, annual field training or any other attendance required by their military service. Employees must use accumulated vacation time to take such leave with pay. Employees shall have the option of taking a leave of absence without pay in order to save their vacation time. In case the military pay is less than the employee's salary, the City will pay the difference.

7. Telephone and Computer Usage Policy

While personal phone calls are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the company's policy. Flexibility will be provided in circumstances demanding immediate attention.

Employees are not permitted to make personal long-distance telephone calls using the company's telephones, except in emergencies. Employees may place personal long-distance calls if they use their personal calling card or call collect.

Personal Cell Phones

While at work, employees are expected to exercise the same discretion in using personal

cellular phones as is expected for the use of company phones. The City of Herreid will not be liable for the loss of personal cellular phones brought into the workplace.

Personal Use of City-Provided Cellular Phones

Where job or business needs demand immediate access to an employee the City may issue a business cell phone to an employee for work-related communications. Employees in possession of city equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss or the value may be deducted from their final paycheck.

Safety Issues for Cellular Phone Use

Employees shall refrain from using their phone while driving City vehicles or operating heavy equipment owned by the City. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees shall pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions and shall hold the City harmless there from. All camera equipped mobile devices must be turned off and put away in areas where employees have an expectation of privacy, such as restrooms, except in the case of emergencies. All picture taking and video taping is prohibited unless approved by management. Violations of this policy may lead to disciplinary action.

Computer Usage

The City may monitor computer, Internet and email usage, including retrieving and reading email messages and other computer files, and monitoring of Internet traffic. Therefore, email messages and other use of City computers are not confidential, and even though you may be issued a private password or other private access code to log in to the computer, you should have no expectation of privacy with regards to your use of City computer network system.

8. Drug and Alcohol Abuse

The City has a strong commitment to its employees to provide a safe, healthful, and productive work environment. It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job. Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance while acting in the line of duty.

The City may request that the employee undergo drug and alcohol testing if there is a reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. The City also may use random testing of employees as conducted under the Federal Mandate. Any employee with a CDL Drivers License will be subject to random testing. A pre-employment urine drug screen, alcohol, and physical will be scheduled by the City for all potential full-time employees.

9. Media Policy

When an incident occurs that could give rise to a claim against you or other employees,

you may receive contact from the media. Refrain from commenting on any occurrence and refer the media to the designated individuals: the Mayor or the City attorney.

In addition to referring members of the media to one of the City's designated contacts, notify your supervisor immediately of any media contact.

Keep in mind that whatever you say will be viewed as an official statement on behalf of your employer and your co-workers. This is yet another reason to follow the policy, make no comment, and direct the media to one of the following designated contacts: the Mayor or the City attorney.

Blogging and Social Networking:

The City recognizes that Social Networking (such as personal web sites, blogs, Facebook, MySpace, Twitter, online group discussions, text messaging, message boards, chat rooms, etc.) can be used by employees for personal reasons as well as business purposes. The City also understands how the use of internet social network sites and blogs can shape the way the public views our products or services, employees, vendors, partners and clients. The City respects the right of any employee to maintain a blog or post a comment on social networking sites. However, the City is also committed to ensuring that the use of such communications serves the needs of our business by maintaining the City's identity, integrity, and reputation in a manner consistent with our values and policies. Therefore, the City has established the following rules and guidelines for communicating City-related information via Social Networking forums whether used in or outside the workplace:

Personal Blogging or Social Networking on City Time

Employees may not post on a personal blog or web page or participate in a personal social networking site during working time or at any time with City equipment or property. Working time is your scheduled time of work not including lunch time, breaks or time prior to or after your shift.

Disclaimer

If from your post in a blog or elsewhere in social media it is clear you are a City employee, or if you mention the City, or it is reasonably clear you are referring to the City or a position taken by the City, and also express a political opinion or an opinion regarding the City's positions or actions, the post must specifically note that the opinion expressed is your personal opinion and not the City's position. This is necessary to preserve the City's good will in the marketplace.

Restriction on Customers, Clients, Vendors, Products and Services

Employees are prohibited from soliciting City customers, vendors, or clients to be "friends" or contacts on any social or professional networking site except when the contact has also been divulged to the City or in cases where there is a pre-established relationship outside the City which has been disclosed to and approved by the City Council at the time of employment or institution of this policy. Employees are not to advertise or sell any of the City's products or services on any website or social network.

Right to Monitor

The City reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with City policies. The City reserves the right to access any City computers and electronic communication devices to monitor blogs and on-line websites. Employees should not maintain any expectation of privacy with respect to information transmitted over, received by, or posted on such sites.

Reporting

If an employee believes that a blog or other online communication violates any City policy, the employee should immediately report the blog or online communication to his or her supervisor. The City will investigate the matter, determine whether such blog, posting, website, or communication violates City policies, and take appropriate action.

Employee Rights

This policy is not intended to restrict an employee's rights to discuss wages and working conditions with co-workers or in any way limit employees' rights under the National Labor Relations Act.

10. Discipline

Discipline

Causes for Disciplinary Action, include but are not limited to the following:

1. Incompetence
2. Insubordination
3. Duty Neglect
4. Conviction of a felony
5. Knowing or willful violation, while on duty, of the laws of the United States, the State of South Dakota, the ordinances of the City, County or municipality of the State or any Council rules and regulations.
6. Offensive or inconsiderate conduct, or abusive language in public, or toward the public, City Officials or fellow employees while on duty.
7. Reporting for work under the influence of drugs or alcoholic beverages, use of alcoholic beverages or drugs while on the job, or considered by the Council or Mayor to be in an unsafe condition for work.
8. Absences without reasonable cause.
9. Tardiness without reasonable cause.
10. Failure to follow good safety practices while on the job.
11. Refusal or failure to perform job assignments.
12. Refusal or failure to follow the orders of a supervisor.
13. Falsification of municipal records.
14. Unauthorized possession of weapons on the job.
15. Misappropriation or willful damage of municipal property.
16. Loitering during working hours.
17. Engaging in horse play during working hours.
18. Fighting while on the job.
19. Leaving work early without permission.
20. Displaying conduct unbecoming of a municipal employee.
21. Accepting any gifts or gratuities that has any connection with municipal employment or performance of municipal duties.
22. Violation of any of the provisions of the City's personnel policy.
23. Any unpaid bill to the City may be withheld from paycheck.
24. Use of any city property for any personal use.
25. Unauthorized use of City credit card may result in immediate dismissal

Disciplinary Action

The City expects employees to use good judgment and exhibit a sense of responsibility. All employees are responsible for providing their particular City services to the public in a courteous, polite manner. Employees are expected to maintain high standards of conduct and

cooperation in their duties for the City, and to conduct themselves in an appropriate manner and maintain a high level of job performance, and to not disclose confidential information learned in the course of employment. The City reserves the right to suspend an employee with pay, however, such action is not deemed to be a disciplinary action.

The municipality shall exercise its right to discipline any employee only for good and just cause. Disciplinary action will generally, take, but not be limited to, one of the following forms.

A. Oral Reprimand. A Council Person or Mayor may discipline an employee by oral reprimand at any time. No written record will go in the employee's files.

B. Written Reprimand. A Council Person or Mayor may discipline an employee by written reprimand at any time. The Department Head will notify the employee in writing of the reason for the disciplinary action, and a copy of the written notice, initialed by employee, will be dated and placed in the employee's personnel file. If the employee refuses to initial the notice, a notation to that effect shall be made by the Supervisor.

C. Probation. The Council or Mayor may place an employee on probation for a period not to exceed thirty days.

D. Demotion. The Council or Mayor may demote a status employee for cause at any time. The Mayor will furnish the employee and Council with a statement as to the specific cause for demotion. This can entail the rolling back of salary scale to the position to which that employee is demoted.

E. Dismissal. The decision to dismiss an employee is to be determined by the City Council or the Mayor. Dismissal proceedings will be taken when an employee's work conduct or character are considered unsatisfactory. The employee is to be notified in writing of this dismissal and reasons therefore unless on probation.

PERSONNEL POLICY
City of Herreid, SD

I have read this book, and agree to the terms of employment. This document in no way constitutes a contract for work with the City of Herreid.

Print Name

Employee

Date