

CITY OF LEXINGTON, NEBRASKA

PERSONNEL POLICIES

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Joe Peplitsch
City Manager

NOTE FROM THE CITY MANAGER

Dear Employee:

Welcome to the City of Lexington work force. It is indeed a pleasure for me to take this opportunity to introduce you to our general personnel guidelines.

This Personnel Manual contains information regarding your responsibilities and duties as an employee of the City of Lexington. As you read keep in mind this document is not a contract, but rather an explanation of the general guidelines that will be considered when working through personnel matters.

As a member of this organization, you need to know these policies and have them readily available. Likewise, you must know what is expected of you in the performance of your position. This manual attempts to clarify important personnel issues in order to provide you with the best possible employment relationship with the City of Lexington.

These policies may be amended from time to time in order to meet the needs of employees. Suggestions and questions are welcome at any time and should be directed to my office, or the Personnel Director.

It is my hope that your employment with the City of Lexington will be a rewarding experience. With your help, we are looking forward to meeting the needs of the community we serve.

Sincerely,

Joe Pepplichtsch
City Manager

DISCLAIMER

The contents of the Personnel Manual summarize present City programs and policies and are intended as guidelines only. The employee should be aware that these programs and policies may be amended at any time, and that depending upon the particular circumstances of a given situation, the City's actions may vary from the written policy, as such, these contents **DO NOT CONSTITUTE THE TERMS OF A CONTRACT OR GUARANTEE OF EMPLOYMENT.**

Nothing contained in this manual should be construed as a guarantee of continued employment; but rather, employment with the City is on an at-will basis. This means that the employment relationship is for no specific term, and may be terminated at any time by either the employee or the City for any reason not expressly prohibited by law.

Any written or oral statement to the contrary by a supervisor or appointed official of the City is invalid and should not be relied upon by any prospective or existing employee.

EQUAL EMPLOYMENT OPPORTUNITY

PROHIBITION OF DISCRIMINATION

It shall be the policy of the City of Lexington, Nebraska, to guarantee equal opportunity to all qualified, legally eligible, applicants and employees with respect to initial appointment, advancement, and general working conditions, without regard to age, race, creed, color, sex, sexual orientation or national origin.

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspects of personnel administration because of political or religious opinions or affiliations or because of race, national origin or other non-merit factors shall be prohibited. Discrimination on the basis of age or sex or disability shall be prohibited except where specific age, sex or physical, mental or other requirements constitute a bonafide occupational qualification necessary to proper and efficient administration.

TABLE OF CONTENTS

	<u>Page</u>
Note From City Manager.....	2
Disclaimer.....	3
Prohibition of Discrimination.....	3
Definitions.....	8-10

CHAPTER ONE: General Provisions

SECTION 1.1 Introduction.....	11
SECTION 1.2 Code of Conduct.....	11
SECTION 1.3 Amendment.....	11
SECTION 1.4 Administration.....	11
SECTION 1.5 Purpose.....	12

CHAPTER TWO: Classification, Pay, and Benefits

SECTION 2.1 Classification Plan.....	13
SECTION 2.2 Employee Compensation.....	13
SECTION 2.3 Comparability.....	13
SECTION 2.4 Deductions.....	13-14
SECTION 2.5 Periodic Pay Increases and Advancement.....	14
SECTION 2.6 Overtime and Compensatory Time.....	14-15
SECTION 2.7 Benefits.....	15
SECTION 2.7.1 Early Retirement.....	16
SECTION 2.7.2 Credit Union.....	16
SECTION 2.7.3 Education.....	16
SECTION 2.7.4 Employee Wellness Program.....	17

Page

SECTION 2.7.5 Safety Boots and Glasses.....	17
SECTION 2.7.6 Bonus Policy	17
SECTION 2.8 Travel Expenses and Reimbursement.....	17

CHAPTER THREE: Hours of Work

SECTION 3.1 Hours of Operation.....	18
SECTION 3.2 Hours of Work.....	18
SECTION 3.3 Break Times.....	18

CHAPTER FOUR: Leave

SECTION 4.1 Vacation Leave.....	19
SECTION 4.2 Sick Leave	19-20
SECTION 4.3 Disability Leave.....	20-21
SECTION 4.4 Leave of Absence Without Pay.....	21
SECTION 4.5 Holiday Leave.....	21-22
SECTION 4.6 Maternity Leave.....	22
SECTION 4.7 Civil Leave.....	22
SECTION 4.8 Military Leave.....	22-23
SECTION 4.9 Bereavement Leave.....	23
SECTION 4.10 Political Leave.....	23

CHAPTER FIVE: Grievances

SECTION 5.1 Responsibility.....	24
SECTION 5.2 Presentation for Grievance.....	24
SECTION 5.3 Procedures for Grievance.....	24
SECTION 5.4 Records.....	25

	<u>Page</u>
<u>CHAPTER SIX: Separations, Disciplines, and Adverse Actions</u>	
SECTION 6.1 Resignations.....	26
SECTION 6.2 Dismissal.....	26
SECTION 6.3 Reduction in Force (RIF).....	26
SECTION 6.4 Disciplinary Action.....	26-27
SECTION 6.5 Adverse Actions.....	27

CHAPTER SEVEN: Conditions of Employment

SECTION 7.1 Drug/Alcohol Free Workplace Policy.....	28
SECTION 7.2 Drug and Alcohol Screens.....	28-29
SECTION 7.3 Smoking/Tobacco Policy.....	29
SECTION 7.4 Harassment Policy.....	29-30
SECTION 7.5 Residency Requirements.....	30-31
SECTION 7.6 Tardiness or Absenteeism.....	31
SECTION 7.7 Use and Operation of City Vehicles.....	32
SECTION 7.8 Employee Accidents.....	31-32
SECTION 7.9 Employee Dress.....	32
SECTION 7.10 Cell Phone Policy.....	33
SECTION 7.11 E-Mail and Internet Usage.....	33
SECTION 7.12 Confidentiality of Information.....	35
SECTION 7.13 HIPPA Privacy Policies.....	35

CHAPTER EIGHT: Staffing

SECTION 8.1 Policy Statement.....	36
-----------------------------------	----

SECTION 8.2 Announcement of Available Positions.....	36
SECTION 8.3 Application.....	37
SECTION 8.4 Employee Orientation.....	37
SECTION 8.5 Provisional Period.....	37
SECTION 8.6 Promotional Opportunities.....	38

CHAPTER NINE: Performance Evaluation

SECTION 9.1 Responsibility.....	38
SECTION 9.2 Purpose of Evaluations.....	38

CHAPTER TEN: Records

SECTION 10.1 Records.....	39
SECTION 10.2 Acknowledgment of Personnel Policies.....	40

CHAPTER ELEVEN: Safety Policy

SECTION 11.1 Policy Statement.....	41
SECTION 11.2 Safety Meetings.....	41
SECTION 11.3 Safety Manual.....	41-42

ORGANIZATIONAL CHART

Organizational Chart.....	43
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DEFINITIONS

- A. Whenever the following terms are used, they shall have the meanings respectively ascribed to them in this section.
1. **Absence Without Leave (AWOL)** – The unauthorized absence of an employee from place of duty during normal duty hours.
 2. **Appointed Official/Officer** – A person filling a position with duties created and defined by law.
 3. **Appointing Authority** – The City Manager is the appointing authority for employees.
 4. **City** – City of Lexington Government.
 5. **City Manager** – The City Manager is the chief executive officer of the City of Lexington. He/she is responsible for implementing City policy and directing all City operations.
 6. **Compensation** – Any pay, benefits, or gratuities received by an employee for services performed.
 7. **Compensatory Time** – Time off given in lieu of overtime payment for hours worked in excess of the normal hours required for the position.
 8. **Cooperation** – Ability to work with others, emotional stability, and personality. Cooperation also applies directly to the ability of the individual to interact with the public.
 9. **Department Head** – Department Heads are responsible for the general operation of the department assigned and ensuring adequate performance levels from employees within such department. Department Heads are appointed by the City Manager and shall have full responsibility to recommend any personnel actions in accordance with the authority delegated to them by the City Manager.
 10. **Disability** – Incapacity.
 11. **Discharge or Dismissal** – The termination of employment.
 12. **Employee** – Any person in the employ of the City of Lexington Government who receives a salary or wage, with the exception of the City

Manager, City Clerk, City Attorney, certain Fire Department personnel, and City Council.

13. **Employee Evaluation** – Periodic evaluation of an employee’s work reflected in writing.
14. **FMLA** – Family Medical Leave Act of 1993 - allows an employee to take job-protected unpaid leave due to a serious health condition that makes the employee unable to perform his or her job, to care for a sick family member.
15. **Full-Time Employee** – An employee appointed to work for the City on the basis of an 80-hour pay period or such other type of arrangement.
16. **Grievance** – A misunderstanding, disagreement, or complaint between an employee and the employer arising out of the belief on the part of the employee that he or she is being treated unfairly.
17. **Immediate Family** – A spouse, child, parent, grandparent, grandchild, sibling, father-in-law, mother-in-law, sister-in-law, or brother-in-law.
18. **Initiative** – Ability to plan and execute without being instructed in every detail.
19. **Knowledge of Work** – Knowledge of the job through education, training, and experience. An understanding of “why” as well as “how.”
20. **Leave of Absence Without Pay** – Time off from work for personal reasons granted by the City Manager.
21. **Misconduct** – Deliberate, willful, or wanton disregard of the employers interest or of the standards of behavior which are expected of the employees.
22. **Moonlighting** – Holding a second job in addition to employment, regular or temporary, with the City.
23. **Overtime** – Time worked in excess of the eight hour day/shift except in departments where other hours are established.
24. **Part-Time Employee** – An employee appointed to a position requiring less than the eighty (80) hour pay period.
25. **Pay Period** – A period of fourteen (14) days.

26. **Personal Appearance** – Neatness, cleanliness, style of clothing, grooming, and appearance for employees appropriate in the job they are performing.
27. **Provisional Period** – A period of time during which an employee is required to demonstrate his fitness and ability in the particular position which he is performing as part of the selection process.
28. **Public Relations** – Manners, courtesy, tact, diplomacy, proper speech, and grammar. The ability to meet and work with the public.
29. **Quality of Work** – Accuracy, thoroughness, neatness, intelligent analysis, and organized thought.
30. **Reduction in Force** – Involuntary termination of an employee or employees because of lack of work, lack of funds, or reorganization.
31. **Regular Employee** – Those persons employed for the regular conduct of the City’s business for an indefinite period.
32. **Regular Employment** – Employment for an indefinite period of time. Employment in a position is not a vested right to be retained primarily because of possession, but only if quality of service by the employee and need by the City justifies continuance of employment.
33. **Reinstatement** – The privilege of reappointment which may be granted by the City Manager to a former employee who was involuntarily terminated, or who voluntarily terminates employment in good standing.
34. **Resignation** – Voluntary termination of employment by an employee.
35. **Temporary Employee** – An employee hired for a specified period of time to perform work that is not of a permanent nature.
36. **Seasonal Employee** – An employee hired for seasonal department programs for a specified period of time.
37. **USERRA** – The Uniformed Services Employment and Reemployment Rights Act of 1994.

CHAPTER ONE

General Provisions

SECTION 1.1 Introduction

- A. This manual is considered to be a guide for the administration of personnel issues.
- B. This policy relates to matters of personnel management. Nebraska Statutes such as Nebraska Civil Service Statutes or City Ordinances shall supersede the policy established herein when conflict exists.

SECTION 1.2 Code of Conduct

- A. All employees of the City of Lexington are required to serve the citizens of Lexington with efficiency and courtesy. It is every employee's obligation to treat all citizens fairly.
- B. Every job with the City is important in that it provides a service to the residents of Lexington. The manner in which the employees serve the public strongly influences the public image of the City organization.
- C. Courtesy toward the citizens of Lexington is of the utmost importance. Courtesy – or lack of it – tends to be most noticeable at public counters, reception desks, and in telephone contacts. However, courtesy in outside jobs where public contacts may be more casual is just as important. Since the citizens are our employer, courtesy is due them regardless of any complaints or demands made.
- D. Employment candidates may be subject to background checks that may include but are not limited to: police reports, criminal background checks, citizenship verification, employment verification, financial reports, reference checks, online searches and social media reviews.
- E. Employees or employee candidates suspected of child abuse or neglect must be reported to the Nebraska Department of Health and Human Services.
- F. The City expects all employees to conduct themselves in an honorable fashion. Therefore, any misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like will not be tolerated. The same honesty standard applies to any City investigation. Any violations will result in corrective action, up to and including termination.

SECTION 1.3 Amendment

- A. The City Manager shall initiate and maintain this policy as the needs of the City Government may require. Changes, amendments, and revisions may be recommended by submitting the recommendations to the City Manager. The City Manager shall review any proposed changes, amendments, or revisions in whole or in part, and make such changes as deemed appropriate. The City Attorney will review all changes before implementation.

SECTION 1.4 Administration

- A. Responsibility – The City Manager is directly charged with the administration of this policy. Holders of copies of this policy are responsible for inserting changes as they are issued and maintaining their respective copies of this policy in a current condition.

SECTION 1.5 Purpose

- A. The purpose of this policy is to establish guidelines for personnel administration to serve the City of Lexington Government, which is consistent with the concept and legal requirements of the Council-Manager form of municipal government adopted by the City of Lexington under Nebraska Law. The system hereby established shall be consistent with the following principles:
 - 1. To advise employees of their duties and obligations in relation to their employer.
 - 2. To advise Department Heads and other supervisors as to their obligations toward the employees under their direction and their duties to assign and instruct the employees.
 - 3. To ensure that all federal, state, and local laws in relation to employment and working conditions are fully complied with.
 - 4. To ensure that recruiting, selection, and advancement of employees is on the basis of relative ability, knowledge, and skills, including open competition of qualified applicants for initial appointment.
 - 5. To train employees, as needed, to ensure high quality performance.
 - 6. To retain employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

7. To ensure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, national origin or ancestry, sex, age, religion, or physical or mental disability.
8. To outline and define areas, relationships, and responsibilities of elected and appointed officials.

CHAPTER TWO

Classification, Pay, and Benefits

SECTION 2.1 Classification Plan

- A. All positions are defined according to the duties, responsibilities, level of difficulty, and the minimum qualifications of training and experience and other qualifications felt necessary for entry into the various positions.
- B. The general classifications shall be as follows:
 1. **Regular Full-Time** – An employee, temporary or regular, who works an eighty (80) hour pay period.
 2. **Regular Part-Time** – An employee, temporary or regular, who works less than an eighty (80) hour pay period.
 3. **Temporary** – An employee hired for a limited period of time depending on departmental needs.
 4. **Seasonal** – An employee hired for seasonal departmental programs for a specified period of time.
- C. Each employee will be placed under one of the above classifications and such classification will be identified in the job description for the position.
- D. The City Manager will assign each position to an appropriate pay grade.
- E. **Moonlighting** – A regular full-time employee working extra jobs will be permitted only with the approval of the City Manager. **The employee must declare any other job. Such other employment activities cannot interfere with duties of the city – if a person is on call for instance – they must respond to the city request. Further, it cannot cause drowsiness or any slowdown on his or her City job.**

SECTION 2.2 Employee Compensation

- A. Employees and officers will be paid on a bi-weekly basis, or approximately 26.09 pay periods annually.

SECTION 2.3 Comparability

- A. Comparability studies will be reviewed alternating every two years at the time each fiscal year budget is adopted.

SECTION 2.4 Deductions

- A. The City Accounting Department is required by law to make deductions from employee paychecks for Federal Income Tax, State Income Tax, Medicare, and Social Security Tax. Other deductions may be made when authorized by the Employee and the City; or if required by court order.

SECTION 2.5 Periodic Pay Increases and Advancement

- A. Wages shall be evaluated at least annually. Increases are considered on the basis of performance, length of service, and comparability studies. It shall be the duty of the Department Heads to identify outstanding workers and to recommend to the City Manager that they be granted increases. Seniority is not a sole basis for pay increases.
- B. The City Manager may award pay increases based upon the recommendations of the Department Head involved and budgetary considerations.
- C. The City Manager may recognize education, certification(s), and experience when hiring or promoting.

SECTION 2.6 Overtime and Compensatory Time

- A. The following overtime guidelines are intended to comply with the Fair Labor Standards Act:
 - 1. Positions that are “salaried” are exempt from overtime pay.
 - 2. Overtime will be paid a 1 ½ times the hourly rate.
 - 3. The City of Lexington does not authorize “off-the-clock” work. Non-exempt employees must get permission from their supervisors before working overtime hours.
 - 4. Overtime will be paid for the work in excess of the standard work day or work week as prescribed by a specific department. Computation of

overtime hours shall only include those hours actually worked. Any approved leave hours taken will to be counted toward computation of overtime hours.

5. Specific Seasonal employees are not eligible for overtime pay. These Seasonal employees will not be required to work hours in excess of a standard work day; however, Department Heads may allow these Seasonal employees to work in excess of the standard work day (at regular pay rate) at the employee's request.
6. Compensatory time may be awarded in lieu of overtime to employees. When awarded, compensatory time will be at the overtime rate.
7. Department Heads will allow the utilization of compensatory time by subordinates.
8. Department Heads will record and control compensatory times used by subordinates.
9. Regular time, overtime, and compensatory time will be reported in the format prescribed by the City Manager.
10. Both employee and Department Head will certify to regular time, overtime, and compensatory time earned.

SECTION 2.7 Benefits

- A. The cash pay of employees does not constitute total pay. Employees receive a number of benefits in-kind, which have a substantial value. For example:
 1. All Regular Employees shall receive:
 - a. Workers Compensation Insurance
 - b. FICA – Social Security
 - c. Unpaid Family Medical Leave
 2. All Regular Full-time Employees are eligible to receive:
 - a. Health Insurance – according to the terms agreed to with the health insurance carrier
 - b. Vacation leave
 - c. Sick Leave
 - d. Payment for Holidays
 - e. Disability Leave
 - f. Pension Plan (optional)
 - g. Term Life Insurance
 - h. Certain Educational Benefits
 - i. Maternity Leave

3. All Regular Part-time Employees are eligible to receive on a prorated basis:
 - a. Health Insurance – according to the terms agreed to with the health insurance carrier (currently: 30+ work hours per week).
 - b. Pension – according to the terms agreed to with the retirement plan provider (currently: 30+ work hours per week)
 - c. Vacation Leave
 - d. Sick Leave
 - e. Payment for Holidays
 - f. Disability Leave
 - g. Maternity Leave

- B. The City of Lexington may be required to change the terms and conditions of benefits according to the terms of contracts with carriers.

- C. Information on specific group benefit programs will be provided upon employment, and upon changes in terms or contracts with carriers.

SECTION 2.7.1 Early Retirement

- A. The normal retirement date for purposes of retirement benefits for the City of Lexington is the first day of the month following the Full Retirement Age as set forth by the U.S. Social Security Administration (<http://www.socialsecurity.gov/retire2/retirechart.htm>).

- B. Any regular full-time employee who elects an “early retirement” for Social Security purposes, at age 62 or as the “early retirement” age is amended for Social Security purposes, shall be entitled to continue City Health Insurance coverage until the date that such retired employee is also eligible for Medicare coverage, with the cost of such medical insurance paid as follows:
 1. With 20 or more years of service, 100% City funding.
 2. With 15 years of service, 80% City funding.
 3. With 10 years of service, 50% City funding.

SECTION 2.7.3 Education

- A. The City may contribute from 50% to 100% of tuition cost for employment related education satisfactorily completed by an employee. The course of instruction must apply to the employee’s current work as determined by the City Manager. The City may provide transportation to the course location.

- B. Procedure:

1. The employee must apply in writing to the City Manager for approval of the course.
2. The application must contain the course description, location, tuition cost, time, etc.
3. The employee's supervisor must concur in writing that the course is relevant to the employee's job.
4. The City will provide the tuition assistance after a grade report of transcript is presented showing satisfactory completion of the course.

SECTION 2.7.4 Employee Wellness Program

- A. All Regular Full-time Employees are eligible to participate in an Employee Wellness Program. The program rewards employees who demonstrate healthy practices such as nutrition, preventive medicine, and exercise and fitness activities.
- B. Rewards may include but are not limited to: added leave time, insurance premium reductions. Any leave granted will be on a use or lose basis. The leave accumulated in any current calendar year, must be used by the end of February of the following calendar year.
- C. The Employee Wellness plan is subject to change from time to time as new ideas and continuous improvement strategies are added. The personnel director will maintain current Plan specifics and communicate to employees any changes as they occur.

SECTION 2.7.4 Health and Fitness Center Membership

- A. All Regular Full-time Employees are eligible to receive membership to the Tri-County Hospital Community Health and Fitness Center. To maintain membership, employees are required to attend the Fitness Center a minimum of one (1) hour per month. The Personnel Director directs enrollment.

SECTION 2.7.5 Safety Boots and Glasses

- A. All Employees that are required to wear Safety Boots will be reimbursed 50% of the cost.
- B. All Employees that are required to wear Safety Glasses will be reimbursed 100% of the cost of the Frames and Regular Lenses. The Employee will be responsible for the cost of the examination, and any "extras" desired.

SECTION 2.7.6 Bonus Policy

The decision to award employees any incentive payment, bonus or award, is always at the discretion of the employer. No employee is entitled to such an award, and

the company may or may not make such a payment based on factors in its sole discretion.

SECTION 2.8 Travel Expenses and Reimbursement

- A. Employees representing the City of Lexington or attending work related conferences or meetings are eligible for reimbursement of travel, meals, and related expenses. Reimbursement will be provided for pre-approved expenses in accordance with State Laws.
 - 1. Meals – Employee will be paid a per diem travel allotment in advance of a trip. Receipts will not be necessary for expenses of meals considered per diem. Should a person travel in an area where per diem is not sufficient, actual receipts shall be submitted for reimbursement of amount exceeding per diem per day.
 - 2. Lodging – Actual lodging expenses will be paid by the City. The City shall be billed when possible, with reservations approved and made by the City.
 - 3. Miscellaneous– Expenses incurred that are not included in meals or lodging will be reimbursed. Such expenses include but are not limited to taxi, bus, fees, parking, etc. Actual receipts shall be submitted for reimbursement.

CHAPTER THREE

Hours of Work

SECTION 3.1 Hours of Operation

- A. The City Manager will prescribe the hours of operation.
- B. Normal operating hours for the City of Lexington will be 8:00 a.m. to 5:00 p.m., Monday through Friday. Amendments to the operating hours of specific departments will be made by the City Manager.

SECTION 3.2 Hours of Work

- A. The hours of work, other than normal operating hours, will be prescribed by the Department Head concerned, with approval of the City Manager. The City of Lexington, as a condition of employment, reserves the right to adjust work schedules to fit the needs of the organization.

SECTION 3.3 Break Times

- A. Break times will be prescribed by the Department Head.

CHAPTER FOUR

Leave

SECTION 4.1 Vacation Leave

- A. Only Regular Employees will earn Vacation, with part-time positions earning Vacation on a prorated basis.
- B. Vacation Leave will be earned before it is granted.
- C. Earned Vacation is based upon prescribed working days in a particular department.
- D. Vacation Leave will accrue based upon each fully completed month of service.
- E. ~~Accrued Vacation may not exceed the prior year's actual accrual, plus the current year's accrual, minus vacation used that year.~~ Vacation carryover may accrue to an amount equal to the prior year's actual accrual, plus the current year's accrual, minus vacation used during that period. Once an employee reaches this accrual limit, no additional vacation time will be earned. All benefits accrue during Vacation Leave.
- F. The City recognizes that research shows a correlation between employee wellness and longer periods of vacation away from the workplace. Employees are encouraged whenever possible to get the most wellness-improving benefit from vacation by scheduling leave.
- G. Vacation may be used at any time following the provisional period, provided such leave is approved by the Department Head concerned, giving consideration to the organization schedule and the desires of the employee.
- H. Holidays falling within a period of Vacation Leave will not be counted against Vacation Leave.
- I. Employees separated from employment will be compensated at their current pay level at the time of separation for accrued Vacation Leave.
- J. Vacation Leave is established as follows:

<u>Years of Service</u>	<u>Vacation Time Accrued</u>
0-1	3 1/3 hours per month (5 days/year)
1-9	6 2/3 hours per month (10 days/year)
10+	10 hours per month (15 days/year)

Employees with 0-1 years	5	Employees with 1-8 years	26
Employees with 1-10 years	30	Employees with 10+ years	31

SECTION 4.2 Sick Leave

- A. Sick Leave may be used when an employee is incapacitated by sickness or injury, for medical, dental, or optical examination or treatment, or when attendance at duty may jeopardize the health of others.
- B. Additionally, an employee may use sick leave when the illness or condition of an immediate family member requires the employee's presence. An immediate family member for the purposes of sick leave is defined as: spouse, child, parent, grandparent, grandchild, sibling, father-in-law, mother-in-law, sister-in-law, or brother-in-law.
- C. Only Regular employees will earn Sick Leave, with Part-time positions earning Sick Leave on a prorated basis.
- D. Sick Leave may be accrued to a maximum of ninety (90) days, or 720 hours, and must be earned before it is granted. Sick Leave will accrue at the rate of 8 hours per month.
- E. If an employee expects to be absent for more than three (3) consecutive work days as a result of an illness, injury, pregnancy, or disability, the employee must submit a written request for medical leave to his/her Department Head as far in advance of the anticipated leave date as practical. If an employee's absence is due to an emergency, or a member of immediate family, the employee must inform the Department Head as soon as is practicable.
- F. Before being permitted to return to work, following an absence of three (3) or more consecutive work days, the employee may be required to provide the Personnel Manager with a note from a physician indicating that he/she is capable of returning to work with or without restrictions.
- G. Medical certification for Sick Leave may be required by the Department Head of the employee concerned.
- H. Paid holidays observed by the City of Lexington Government and listed in this policy will not count against Sick Leave use.
- I. All benefits accrue during Sick Leave.
- J. Minimum Sick Leave granted is in increments of one-half (1/2) hour.
- K. Sick Leave shall not be included in the wages due and payable at the time of separation.

SECTION 4.3 Disability Leave

- A. Any employee may be awarded Disability Leave by the City Manager when the necessity for such leave is caused by an illness or disability covered by Worker's Compensation Insurance.
- B. Disability Leave will not exceed 180 calendar days for any employee. This starts the first day after injury occurs.
- C. Any employee placed upon Disability Leave must reimburse the City of Lexington any and all Worker's Compensation received during the period of Disability Leave granted.
- D. Disability Leave will not be granted to any employee where disability is caused by failure to comply with safety policy and procedure, or by misconduct.
- E. All benefits accrue during Disability Leave.
- F. The initial seven (7) day waiting period for Worker's Compensation will be considered as Disability Leave and the employee will receive full regular pay.
- G. Once an injured employee starts to receive Worker's Compensation, the difference between his/her normal pay rate and the Worker's Compensation payment will be charged against Sick Leave on a prorated basis.
- H. Once all Sick Leave has been exhausted, the City Manager will decide whether the injured employee should receive Disability Leave with full pay for the duration of the lost time up to the 180 calendar days.

SECTION 4.4 Leave of Absence Without Pay

- A. The City Manager, at his discretion, may award Leave of Absence Without Pay.
- B. Regular full-time and part-time employees may be awarded Leave of Absence Without Pay.
- C. At the discretion of the City Manager, all benefits may accrue during Leave of Absence Without Pay.
- D. Duration of Leave of Absence Without Pay will be determined by the City Manager based upon the existing condition and situation.
- E. Leave Without Pay will be granted only after all other types of leave have been used.
- F. Family Medical Leave – In compliance with the Family Medical Leave Act of 1993, the City will grant qualified employees unpaid leave to attend to qualifying family medical problems.

1. The maximum amount of time allowable is 12 weeks per 12-month period, which begins the date the employee first starts using FMLA leave.
2. The City may require the employee to concurrently use accrued and unused sick leave or vacation leave during periods of FMLA leave.

SECTION 4.5 Holiday Leave

- A. The following will be paid Holidays for all Regular employees and will be observed on dates and days as nationally recognized.
 1. New Year's Day
 2. Memorial Day
 3. Independence Day
 4. Labor Day
 5. Veteran's Day
 6. Thanksgiving Day
 7. Friday following Thanksgiving Day
 8. Christmas Day
 9. Floating Holiday
- B. Seasonal employees are not eligible for paid Holidays.
- C. All other benefits accrue during Holiday Leave. Holidays occurring during Vacation, Sick, Bereavement, or other authorized leave will not be charged against that leave.
- D. Each employee may utilize the Floating Holiday on a date mutually agreed upon with the Department Head.
- E. Floating Holidays will run concurrent with the calendar year, and cannot be carried forward.
- F. If the holiday falls on a Saturday, the holiday will be observed on the day before (Friday); if the holiday falls on a Sunday, the holiday will be observed the day after (Monday).

SECTION 4.6 Maternity Leave

- A. Maternity Leave will be treated as Sick Leave
- B. Upon utilization of accrued Sick Leave, the City Manager may approve additional Leave Without Pay.
- C. The City Manager may adjust the period of Maternity Leave subject to medical recommendation and the particular circumstance concerned.

SECTION 4.7 Civil Leave

- A. Only regular employees will receive Civil Leave.
- B. All pay and benefits will accrue during Civil Leave.
- C. Civil Leave will not be granted to an employee required to appear in court as a plaintiff or defendant in a personal matter.
- D. Civil Leave may be granted for the following:
 - 1. Jury Duty
 - 2. Clerk or Judge on an election or counting board
 - 3. Voting
 - 4. Emergency civilian duty
 - 5. Donating blood

SECTION 4.8 Military Leave

- A. Only regular employees are entitled to Military Leave.
- B. Military Leave will be in addition to Vacation Leave.
- C. All employees needing military leave shall submit a copy of military orders.
- D. The City of Lexington will review employment and compensation procedures as prescribed in sections 55-160 to 55-161 R.R.S. Neb. (1943) concerning military leave issues.
- E. For military tours of duty exceeding 30 days, the City will pay its share of health insurance premiums for the first month. After that the employee may continue coverage, be it single or family, at his or her own expense. Before leaving for military duty, the employee should file his or her insurance decisions with the Personnel Director. Upon return to work with the City, health insurance coverage and City-paid premiums will resume with no qualifying period. (USERRA, 38 U.S.C. § 4317(a)).

SECTION 4.9 Bereavement Leave

- A. Regular employees may receive Bereavement Leave as determined by the City Manager.
- B. All pay and benefits will continue to accrue.
- C. Bereavement Leave may be granted when death occurs to a member of the immediate family of an employee. An immediate family member for the purposes

of Bereavement Leave is defined as: spouse, child, parent, grandparent, grandchild, sibling, father-in-law, mother-in-law, sister-in-law, or brother-in-law.

- D. Bereavement Leave may be granted to employees acting as pallbearers, or other funeral participation.

SECTION 4.10 Political Leave

- A. Unless specifically restricted by federal or state law, employees of the City shall not be prohibited from participating in political activities except during business hours or when otherwise engaged in the performance of their official duties (this includes wearing political buttons while on duty). In addition, employees may not use their City job to distribute or receive political favors of any type or nature. Employees shall not engage in any political activity while wearing uniforms required by the City, or other garments suggesting City employment.
- B. If an employee wishes to take part in political activities during normally scheduled work hours, the employee must use vacation leave, compensatory time, or leave without pay to cover this period of absence. An employee may be elected to office, but if such election presents a conflict with the employee's job or interferes with the employee's scheduled work hours, the City has the authority to change terms and conditions of employment, up to and including termination.

CHAPTER FIVE

Grievances

SECTION 5.1 Responsibility

- A. City Council – The City Council, as a body or as an individual, generally, will not involve themselves in any manner with regard to any employment.
- B. City Manager – The City Manager is directly and ultimately responsible for the resolution of all grievances.
- C. Employees – Employees are expressly prohibited from presenting to the City Council, as a body or as individuals, or to disclose or discuss publicly, any employment related grievance while an employee of the City of Lexington Government. Employees are required to utilize established grievance procedures within the City of Lexington Government.

SECTION 5.2 Presentation for Grievance

- A. Any employee may present a grievance if the employee believes that an unjust or inequitable act or omission has occurred.

- B. No employee will be disciplined or discriminated against in any way because of the proper use of this procedure.

SECTION 5.3 Procedures for Grievance

- A. A grievance should be handled formally and at the lowest level possible. Employees should undertake the grievance procedure beginning with the Department Head.
- B. A grievance shall be placed in writing by the employee and submitted to their Department Head. The Department Head concerned shall add his/her comments and submit copies to the Personnel Director.
- C. Requests for formal review of decisions made with regard to grievances and/or evaluations shall be submitted, in writing, to the Personnel Director within 10 days of occurrence. The Personnel Director will have five working days from receipt to review and make judgment. The employee will then have five working days to appeal the Personnel Director's decision to the City Manager. The City Manager will then have five working days for final judgment.

SECTION 5.4 Records

- A. A copy of all correspondence concerning a grievance, together with the disposition, will be made a part of the employee's confidential personnel record.

CHAPTER SIX

Separations, Disciplines, and Adverse Actions

SECTION 6.1 Resignations

- A. Any employee may resign from the Lexington City Government Service by presenting their resignation in writing to the City Manager at least fourteen (14) days prior to the effective date unless the City Manager agrees to permit a shorter period.

SECTION 6.2 Dismissal

- A. The City Manager is the ultimate authority within the City of Lexington Government for appointment and removal of subordinates. Removal of subordinates is delegated to all Department Heads.
- B. Employees who are terminated from a position will be paid all accrued benefits (excluding sick leave) on the next pay period following the date of termination.

SECTION 6.3 Reduction in Force (RIF)

- A. Any employee may be separated because of lack of funds or curtailment of work.

SECTION 6.4 Disciplinary Action

- A. Any employee may be subject to Disciplinary Action or Dismissal.
- B. Disciplinary Action or Dismissal may be administered by the Department Head concerned or the City Manager.
- C. Disciplinary Action or Dismissal may be taken for any of the following employee actions through charges or complaints; and may be based upon actions other than those specifically shown:
 - 1. Failure to follow prescribed procedures or policies.
 - 2. Incompetence or inefficiency.
 - 3. Misconduct.
 - 4. Incompatible employee relations.
 - 5. Insubordination.
 - 6. Accepting or soliciting bribes.
 - 7. Absenteeism or consistent tardiness.
 - 8. Use of intoxicating liquor or drugs. SEE DRUG POLICY (Page 28)
 - 9. Theft of property from co-workers, customers, or City.
 - 10. Unnecessary, or unauthorized use of City supplies or equipment, particularly for personal purposes.
 - 11. Unauthorized possession of firearms on City premises or while on City business.
 - 12. Conviction of a felony.
 - 13. Falsifying employment or other City records.
 - 14. Dishonesty
 - 15. Fighting or using obscene, abusive, or threatening language or gestures.
 - 16. Disregarding safety or security regulations.
 - 17. Failing to maintain the confidentiality of City, City employees, customers, or client information.
 - 18. Participation in any political activity prohibited by law.
 - 19. Any other act or failure to act which is sufficient to show the offender to be unsuitable or unfit for employment with the City of Lexington Government.
- D. Should the employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory in the judgment of the City Manager, based on violations either of the above or of any other City policies, rules, or violations, the employee will be subject to disciplinary action, up to and including dismissal.

SECTION 6.5 Adverse Actions

- A. Adverse actions may include, but not be limited to the following actions:
 - 1. Oral or written reprimand
 - 2. Demotion
 - 3. Reduction in Pay
 - 4. Suspension
 - 5. Dismissal
- B. Adverse Actions will be documented in writing.
- C. Adverse actions will be made a part of the employee's personnel file.
- D. Adverse actions will be reviewed by the Personnel Director and then by the City Manager.

CHAPTER SEVEN

Conditions of Employment

SECTION 7.1 Drug/Alcohol Free Workplace Policy

- A. Employees are hereby notified that the City of Lexington prohibits the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while an employee is engaged in any City business **(This includes alcohol)**. Employees must abide by this policy statement as a condition of employment. Any employee violating the policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:
 - 1. The City of Lexington does not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance while on the job or on the organization's premises will be subject to discipline up to and including termination.
 - 2. Each employee is required to inform the Personnel Director within five (5) days after he/she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the City's premises or during working hours.
 - 3. If any employee is convicted of violating any criminal drug statute while in the workplace, he/she will be subject to discipline up to and including termination. At its discretion, the City of Lexington may require the

employee to successfully complete a drug abuse program sponsored by an approved private or governmental institution.

4. It is the policy of the City that employees shall not possess, consume or be under the influence of alcohol or drugs during the workday, including rest periods and meal periods. These restrictions hold true for employees who are serving in a paid on-call capacity. While on call, an employee must refrain from all alcohol consumption.
5. As a condition of further employment with the City of Lexington, the law requires all employees to abide by this policy.
6. All records relating to this policy will be kept as part of the employee's personnel file.

SECTION 7.2 Drug and Alcohol Screens

- A. The City Manager, or Department Head, who has reasonable suspicion that an employee is under the influence of alcohol and/or illegal drugs may request that the employee take a drug and/or alcohol screen at the City's designated collection facility. Any employee who refuses to take a drug and/or alcohol test is subject to disciplinary action, which may include termination of employment. A confirmed positive finding shall warrant disciplinary action, which may include termination of employment. Any employee taking drugs prescribed by a physician, or over-the-counter drugs that could impair assigned work shall report this fact to the supervisor.
- B. Federal regulations require those individuals who are required to possess a Commercial Driver's License as a condition of employment, and will perform safety-sensitive functions, including driving, are subject to drug and alcohol screening for the following events: pre-employment, random selection, post-accident, return-to-duty, and follow-up.

SECTION 7.3 Smoking/Tobacco Policy

- A. The City of Lexington complies with the Nebraska Clean Indoor Air Act. Smoking is not permitted in any City owned Buildings, or Vehicles.
- B. Tobacco products may be utilized as long as they do not detract from performing the job or create any hazards.

SECTION 7.4 Harassment Policy

- A. It shall be the policy of the City of Lexington that all employees will be offered a work environment that will be free from discrimination and all forms of harassing, coercive, or disruptive conduct. All employees also have a responsibility for

maintaining high standards of conduct and ethical behavior. Harassment of an employee on the basis of sex, race, color, religion, national origin, disability, or any other reason will not be tolerated.

- B. **Sexual Harassment definition:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such a conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) 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. Some examples would include, but are not limited to, the following:
1. sexual comments of a provocative or suggestive nature;
 2. jokes or innuendoes of a sexual nature.
 3. intentionally suggestive or demeaning looks or leering;
 4. creating an intimidating, hostile, or offensive working environment for members of either sex;
 5. making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment;
 6. physical contact such as patting, pinching, hugging, or brushing up against another individual; and
 7. the posting, displaying, or circulation of materials or photographs of a sexual nature, or showing nudity or partial nudity in the workplace.
- C. **Harassment** related to any other protected status as indicated above is also strictly prohibited. This type of harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an employee because of his/her sex, race, color, religion, national origin, or disability. Some examples would include, but are not limited to, the following:
1. use of names or terms in addressing individuals which reference or draw attention in a negative manner to the characteristics mentioned in the above paragraph;
 2. use of false accents or dialects which depict the accents or dialects of others as humorous;
 3. telling of jokes which insult or belittle the race, religion, national origin, disability or color of another.
- D. If such conduct is directed at you, immediately request the unwelcome behavior to stop. You are directed to bring the matter to the immediate attention of your Department Head, City Manager, or the Personnel Director. You will be asked to write out your complaint of harassment with detailed information such as the dates of each occurrence, witnesses to any occurrence and the nature of the harassment. Every effort will be made to keep your complaint confidential. A complete and

thorough investigation of the complaint may require contact with other City employees and citizens.

- E. A prompt and thorough investigation of the alleged incident will be conducted to the extent reasonably possible. Appropriate corrective action will be taken when warranted. To the extent consistent with adequate investigation and appropriate corrective action, any complaints of harassment will be treated as confidential.
- F. Any employee found to have engaged in any form of harassment will be disciplined as appropriate, up to and including termination of employment. City personnel will not in any way retaliate against an employee, potential employee, or former employee who in good faith makes a complaint or report of harassment or who participates in the investigation of such a complaint or report. Retaliation against an individual for in good faith reporting a claim of harassment or cooperating in the investigation is strictly prohibited and will itself be subject to the appropriate discipline.

SECTION 7.5 Residency Requirements

- A. Full time employees responsible for public safety functions or who serve on-call must reside within reasonable proximity to promptly respond to calls for service.
- B. A prompt response is important to minimize the impact to the public or property. Each Department will establish a residency policy, which will provide a prompt response time. Policies will be approved by the City Manager. All policies will include a time frame for reporting to a specific work site.
- C. Newly appointed employees in public safety positions or who work on-call who do not live within the area shall be granted 90 days to move within the area.

SECTION 7.6 Tardiness or Absenteeism

- A. If an employee is going to be late or absent, the employee shall notify his/her Department Head at least one (1) hour before the scheduled time to report to allow for other arrangements. In the event advanced notice cannot be given, an employee must contact his/her Department Head as soon as possible. While the Department Heads are sympathetic to unusual situations, unexplained absences or tardiness are not easily excused and will result in deduction of pay, discredit on the employee's work records and/or disciplinary action or discharge.

SECTION 7.7 Use and Operation of City Vehicles

- A. The use of any City-owned vehicle for personal use is strictly prohibited. It is the responsibility of employees to see that City vehicles are used only for City business. Only City employees or those with Department Head approval (i.e. engineers, visiting officials, prisoners, etc.) shall be transported in a City vehicle. City

employees who drive a City-owned vehicle must have a valid Nebraska driver's license, which must be on or accompanying the person when operating such a vehicle. All drivers and passengers of City vehicles are required to wear safety belts.

- B. Travel requests shall be approved by the City Manager. They shall be submitted as much in advance as possible. Approved travel arrangements shall include the following stipulations:
 - 1. When possible a City vehicle will be used. A credit card may be used for purchase of gasoline. If personal funds are used to purchase gasoline, the receipt(s) of such expenses will be needed for reimbursement.
 - 2. If a mode of transportation other than a City vehicle is necessary, the reimbursement will be:
 - a. Personal car – At approved State of Nebraska Department of Administrative Services current rate.
 - b. Public Transportation – actual cost.

SECTION 7.8 Employee Accidents

- A. If an employee has an accident or suffers an injury on the job, they must notify their Department Head as soon as possible. The Department Head must be notified even if the employee requires no medical attention for the incident. The Department Head and/or employee are to notify the Personnel Director as soon as possible so that the insurance carrier can be promptly notified of potential claims exposure.
- B. Please see the City of Lexington's Employee Safety Manual for further policies regarding accidents.

SECTION 7.9 Employee Dress

- A. Every employee represents the City of Lexington and must maintain a high standard of dress and grooming. In all situations, it is important to remember that you are representing the City of Lexington, and that your clothing shall not detract from presenting a professional appearance. Clothing worn on the job must be in good taste, clean, neat, and reflect the requirements of the working condition. The responsibility to determine what is appropriate for a department will be made by the Department Head. The City Manager may establish casual days on which the dress guidelines may be less stringent. The Department Head will determine what is appropriate for their department.
- B. Different positions require variations in appropriate dress. If you are uncertain if particular clothing will be appropriate, ask your Department Head.

SECTION 7.10 Cell Phone Policy

A. Employees required to use cell phones for City business shall maintain their own phones and calling plans, and will receive a partial monthly reimbursement for using personal phones for City business part of the time. An employee authorized to have or use a cellular phone while on duty must follow these rules:

1. Cellular-phone use is prohibited while operating a vehicle or operating equipment, e.g., shop equipment, forklifts or tractors.

2. If a vehicle operator must use a cellular phone while operating a vehicle, the operator must either stop the vehicle and use the cellular phone in a safe off-the-road location or use the "hands-free" feature.

B. Violation of this policy will subject an employee to disciplinary action, including termination.

SECTION 7.11 E-Mail and Internet Usage

- A. City employees may utilize e-mail and/or internet as part of their duties. This policy serves as a reference tool outlining the basic philosophy and general principles related to City provided e-mail and internet usage. The same type of policies and common-sense approach also govern other City owned or provided communications equipment. If employees have any doubts about the appropriate use of any of these communication devices, they should contact their Department Head, Personnel Director, or City Manager.
- B. The e-mail system, computers, computer network, internet access are City provided and City owned property. All messages and transmissions composed, sent, stored, or received on the City electronic information and communication systems are and remain the exclusive property of the City of Lexington, and are not to be considered the private property of any employee. As City-owned property, all messages on the City's electronic communications systems are subject to disclosure upon the request of the City Manager.
- C. The City of Lexington's electronic information/communications system is to be used primarily for business purposes only. It is acknowledged that from time to time it may be necessary to use the technologies mentioned above for personal use (for example: a personal electronic message or phone call). Such use should be minimal and in no way should interfere with the transaction of City business.
- D. Employees using the City's electronic information and communication systems have no expectation of privacy in the use of these systems. These systems may be monitored, accessed, and reproduced at the discretion of the City Manager. No employee should expect that messages left on any electronic or

communications system such as voice-mail, e-mail, or other communication devices will be private or treated as such.

- E. The City reserves the right to review, intercept, monitor, print, and disclose all messages created, stored or sent over the City's electronic information and communication system at its discretion and when it deems it necessary for business purposes, and it shall do so with or without notice.
- F. The City has invested significant time and money in its electronic information system to assure efficiency and better serve the citizens of Lexington. All users of the City's electronic information and communications systems must comply with all software licenses, copyright, and intellectual property laws as well as other federal, state, and local laws.
- G. City employees are prohibited from using encryption codes or access codes that have not been provided by the City or reported to the designated official. All passwords or access codes must be known or available to the City Manager to maintain operations. City employees are restricted from using passwords or access codes of other employees to access another employee's e-mail, computer system, or other historic communications records without prior approval of the City Manager. City employees are prohibited from "hacking" into other systems or "cracking other passwords or access codes" from other systems.
- H. City employees may not access, send transmit, download, or print pornographic materials, sexually explicit messages or cartoons, ethnic or racial slurs, gender specific comments, or other comments or messages that offensively address someone's age, race, citizenship, religious or political beliefs, national origin, disability, or veteran's status protected by law of information that may be construed as harassing, discriminating or disparaging. City employees using the City's electronic information and communications systems encountering such material should immediately report the incident to the City Manager or Personnel Director.
- I. City employees may not install software on their individual computers or the network without receiving prior approval of the City Manager.
- J. Social Media and Social Networking - Employees who participate in online social networking shall comply with the following policies:
 - 1. Employees are prohibited from participating in personal social media during working time.
 - 2. Employees must post as themselves only. Should references be made that in any way could be attributed to the City, the employee must notify readers that the views, opinions, ideas and information are the employee's own, and are not sanctioned by the City.

3. Employees need to know that information posted on social media sites should not be considered private, and they will exist in public forums for a long time, even after attempts to delete.
4. Employees are prohibited from disclosing proprietary information, data, information about coworkers or clients, or other confidential information.
5. If information posted by employees on social media violates any City policy, or affects the employee's job performance or the reputation of the City, other employees, or constituents, will subject the employee to discipline up to and including termination.

SECTION 7.12 Confidentiality of Information

- A. It is the policy of the City of Lexington to ensure that, with the exception of matters necessarily conducted or transacted in a public forum, the operations, activities, and normal daily affairs of the City are kept confidential to the greatest possible extent. Employees information is to be handled in strict confidence and not to be discussed with outsiders. Employees are specifically responsible for the internal security of information and materials pertaining to, or received, or generated within the area of their work responsibilities.
- B. Employees shall not discuss or transfer information or materials concerning City-related matters with attorneys, insurance company representatives or agents, or any other person without prior approval by the City Manager.
- C. Employees found to be violating this policy are subject to disciplinary action, up to and including termination.

SECTION 7.13 HIPAA Privacy Policies

- A. The City of Lexington Staff shall comply with the Health Insurance Portability and Accountability Act (HIPAA).
- B. New Regular Employees shall be trained on HIPPA procedures within a reasonable period of time after the person joins our organization.
- C. New Regular Employees shall be provided a Notice of Privacy Practices document. Signed acknowledgement of document will be maintained in the Employee's Personnel File.
- D. The Personnel Director shall serve as the Contact Person/Privacy Official for the City of Lexington in regard to all Health Information.
- E. Employees shall submit all requests for Health Information in writing to the Personnel Director.

- F. All health-related information regarding City Staff shall remain confidential. Disciplinary action may be taken when a violation has occurred when disclosing any health related information.
- G. The City of Lexington will prohibit all employees from intimidating, threatening, coercing, discriminating against, or taking other retaliatory action against:
 - 1. Any individual who exercises any right or participates in filing a complaint through the City, or with the secretary of Health and Human Services, under the Privacy Regulation.
 - 2. Any individual that testifies, assists, or participates in an investigation, compliance review, proceeding or hearing.
 - 3. Any individual that opposes any act or practice made unlawful by the Privacy Regulation.
- H. All Regular Employees shall be aware that their Protected Health Information may be released to any Business Associate under contract to provide services to administer employee health related programs.

CHAPTER EIGHT

Staffing

SECTION 8.1 Policy Statement

- A. Those persons most qualified to carry out the functions of the organization will be employed. Level of services mandated by the City Council and available resources will dictate staffing levels.

SECTION 8.2 Announcement of Available Positions

- A. Every reasonable effort will be made to publicize positions so that all interested and qualified persons are informed. Announcements will include:
 - 1. Time for filing application.
 - 2. Description of the duties and responsibilities of the position.
 - 3. Minimum and/or additional requirements or qualifications.
 - 4. Salary range
 - 5. Such other additional information appropriate to the position to be filled.
- B. Announcements will be posted as follows:
 - 1. In-house bulletin.
 - 2. Local job service.
 - 3. City website

- 4. Others as needed (newspaper, etc.)
- C. The City Manager will make announcements of all positions.

SECTION 8.3 Application

- A. Applications will be accepted as positions become available. All Applications, and the truth of the statements therein, will be certified by the signature of the applicant.
- B. No question needs to be answered by any applicant concerning political or religious affiliations.
- C. Examinations may be required for certain positions.

SECTION 8.4 Employee Orientation

- A. Department Heads are responsible for the orientation of their employees.
- B. Orientation will be an ongoing process.

SECTION 8.4 Provisional Period

- A. Individuals selected to fill a position with the City of Lexington must successfully complete a provisional period prior to any increase in salary. This gives the Department Head an opportunity to observe the provisional employee in order to determine whether or not the person is capable of handling the responsibilities and duties of the job in a satisfactory manner.
- B. The provisional period for new employees is generally three (3) months; however longer periods may apply depending on department requirements. The provisional period for position changes is generally three (3) months.
- C. During the provisional period, the employee can expect close observation and evaluation as he/she receives training and orientation. The ability to maintain successful employment should be demonstrated by the employee at this time.

At the completion of the provisional period, the Department Head will recommend in writing to the City Manager one of the following actions:

1. Establishment of status, with salary increase.
2. Extension of the provisional period not to exceed three (3) months, if it is felt that more time is needed to determine the provisional employee's potential to succeed in the position.
3. Dismissal of the employee.

SECTION 8.6 Promotion Opportunities

- A. With the size of the organization being limited, the City of Lexington cannot guarantee promotion opportunities for employees. When qualified employees exist within the organization, the City encourages promotion from within. Therefore, qualified employees are encouraged to file applications when vacancies occur.

CHAPTER NINE

Performance Evaluation

SECTION 9.1 Responsibility

- A. The work performance of each employee shall be objectively evaluated on a periodic basis. An evaluation, on the prescribed form, shall be completed by the Department Head.
- B. The evaluation forms will be furnished by the City.
- C. All evaluations will be typed or legibly printed.
- D. Each employee's performance will be reviewed after the provisional period, and thereafter generally according to the individual's anniversary date of employment.
- E. Each Department Head is responsible for the written evaluation, and will discuss the evaluation privately and personally with the evaluated employee.
- F. Each employee is required to sign the evaluation as evidence that the employee has seen the report and not necessarily that the employee agrees with the rating given. The employee will then be given a copy of the report upon request.
- G. The Personnel Director will report to the City Manager the status of employee evaluations.

SECTION 9.2 Purpose of Evaluations

- A. Performance evaluations, as well as day-to-day feedback shall be used to recognize and reinforce positive performance and to correct inadequate or undesirable performance.
- B. Negative and positive entries on evaluations are a normal part of the evaluation process, which Department Heads shall use as an appropriate stimulus for employee goal setting and improved performance. The existence of negative entries on an evaluation may not necessarily result in denial of a pay increase.
- C. Employees shall be shown copies of their performance evaluations for discussion and for acknowledgment by signature. Employees disagreeing with their evaluation may seek adjustments through use of the established grievance procedure.

CHAPTER TEN

Records

SECTION 10.1 Records

- A. Employee personnel records, as required by Law and deemed essential for efficient operations, will be maintained by the Personnel Director.
- B. Personnel records include, but are not limited to:
 - 1. Records on employees.
 - 2. Records on applicants.
 - 3. Records on positions.
 - 4. Policy directives, rules, and regulations.
 - 5. Payroll, leave, and retirement records.
 - 6. Correspondence files.
 - 7. Appropriate job descriptions.
 - 8. Employee evaluations.
- C. Employees will report immediately on changes listed:
 - 1. Name, address, or telephone number.
 - 2. Marital status.
 - 3. Name, birthdate, relationship, and total number of dependents.
 - 4. Formal education, courses completed, and other training or skills acquired.
 - 5. Selective service status.
 - 6. Person to notify in emergency.
 - 7. Pension plan or life insurance beneficiary.
- D. Employee records are proprietary and will be accessible only to the individual employee and those persons with delegated authority and responsibility.
- E. No employee records relating to evaluation reports or disciplinary matters will be released without the authorization of the City Manager.
- F. Reports:
 - 1. Pay – Regular time, overtime, and compensatory time will be reported to the Accounting Department on a daily basis.
 - 2. Accident/Injury – All incidents involving personal injury, property damage, or death will be reported immediately to the Personnel Director.
 - 3. The City Manager may require additional reports as necessary.

SECTION 10.2 Acknowledgment of Personnel Policies

- A. Each employee shall read this policy and a signed statement to that effect will be placed in their personnel manual.

CHAPTER ELEVEN

Safety Policy

SECTION 11.1 Policy Statement

- A. Management has every desire to provide for its employees a safe working environment. To accomplish this, management may provide reasonable safeguards to ensure safe working conditions. A need also exists for recognizing and following good safety principles. No job is so important and no order is too urgent that we cannot take time to perform our work safely.
- B. Although top management has responsibility for establishing definite safety policies, procedures, and safe working conditions, most of what is planned and established must reach the employee on the job by way of the first-line supervisor, who is in frequent and close association with employees.

SECTION 11.2 Safety Meetings

- A. It will be the responsibility of each department head to organize and hold at least one regularly scheduled safety meeting per month for subordinate employees.
- B. Monthly safety meetings will be departmentally specific and attendance will be mandatory (attendance roster will be kept and submitted to the Personnel Director). Meetings may take the form of the following:
 - 1. Safety and training films; safety seminars via outside parties and/or professional personnel trained in the area of occupational safety or other related activities which promote employee safety and accident prevention.
 - 2. Discussions on existing safety issues or accidents that have occurred and the corresponding remedial activity or prevention of such issues.
- C. Employees will be required to bring all unsafe conditions to the attention of the Department Head and City Manager at once so that said conditions can be addressed in the interest of employee safety and accident prevention.

SECTION 11.3 Safety Manual

- A. It shall be mandatory that all employees review and follow all procedures listed in the City of Lexington's "*Employee Safety Manual.*" Each employee shall sign a statement indicating they have read, and understand the City's Employee Safety Manual, and shall abide by all safety policies. The Department Head will be held responsible to see that all Safety Policies are followed, and shall report any violations in their Department to the Safety Director.

- B. It shall be the responsibility of the Safety Director to periodically visit each department, and report any violations to the attention of the Department Head and City Manager. A follow-up Report will be submitted by the Department Head, to the Safety Director, listing in detail how each violation has been corrected, and what can be done to prevent the violation reoccurring.

City of Lexington Organizational Chart
as of October 2009

