CITY OF CRETE

PERSONNEL RULES

AND REGULATIONS

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CHAPTER ONE

PERSONNEL MANAGEMENT

Sec. 1.01 WELCOME

Welcome to the City of Crete, we want to thank you for joining our team. We believe that each employee contributes directly to the growth and success of our organization. We hope that the employment relationship that we share is a long and mutually rewarding one. The purpose of this handbook is to acquaint you with policies set forth by the City of Crete. These Personnel Rules and Regulations state the intent of the Mayor and City Council in providing for the employment conditions and benefits for employees of the City of Crete. You should familiarize yourself with the contents of the Personnel Rules and Regulations, as you are responsible for abiding by the rules that are outlined within.

For convenience, in this handbook, we will refer to your employer as The City of Crete, The City, we, our, or us. If you have questions regarding the material presented here, please feel free to ask your supervisor or call the Human Resources Department.

Again, best wishes for success in your new position with the City of Crete!

Sec. 1.011 VISION STATEMENT

Crete Nebraska will be a destination for family living, business development and a variety of activities.

Sec. 1.012 MISSION STATEMENT

The City of Crete Nebraska strives to provide the municipal services required for a safe and peaceful "Community in Motion" in which to live, work and play.

Sec. 1.02 LEGAL EFFECT

The contents in this manual are subject to change as the City grows and changes. Any changes in this manual shall apply to existing as well as future employees. If and when provisions are formally changed by City Council action, there will be notification and appropriate replacement documentation provided to employees. No statement or promise made by a supervisor, manager, or Department Head may modify any provision in this policy, nor will it constitute an agreement with an employee.

The City Personnel Rules and Regulations are not a contract, expressed, or implied. This handbook replaces (supersedes) all other previous Personnel Rules, Regulations, or Administrative Policies for the City of Crete as of date printed above.

The titles Department Head and Director are interchangeable in this document.

Sec. 1.03 EQUAL EMPLOYMENT OPPORTUNITY

The City of Crete affirms its commitment to providing a work environment that does not

discriminate in employment opportunities or practices on the basis of race, color, religion, age, sex, sexual orientation, mental or physical disability, marital status, national origin, genetic information (as defined in the Genetic Information Nondiscrimination Act), or any other prohibited basis of discrimination under applicable local, state, and federal law. The City will operate in full compliance with applicable federal, state, and local laws prohibiting discrimination in employment.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Sec. 1.04 SCOPE

The City of Crete is made up of several different departments. The departments that are governed by these rules are as follows:

Administration
- Attorney
- Clerk
- Finance/Treasurer
- Human Resources
- Park and Recreation
- Public Works
    - Building Inspector
    - Community Development
    - Electric Utility
    - Streets Department
    - Wastewater Utility
    - Water Utility

Fire and Rescue Department
Police Department
Public Library

The following are exempted from these rules:
- The Mayor and City Council
- Members of appointive boards, commissions, and committees
- Independent contractors

Although persons employed as temporary employees, interns, and citizen volunteers are not eligible for benefits under the City's policy, they are still expected to follow the policies set forth as they represent the City.

The City Administrator's Office is governed by the Personnel Rules and Regulations; however, the City Administrator serves at the pleasure of the Mayor.

The City Personnel System shall be divided into two classifications of service, classified and unclassified. Classified service includes all employees governed by the Civil Service Act of the

State of Nebraska. Employees that fall under this category are the paid full-time police officers in the Police Department. All other employees of the City are considered unclassified.

All appointments and removals of employees who are in the classified service shall be subject to Civil Service Rules and Regulations.

These rules and regulations apply to all employees of the City except where superseded by labor contracts, Civil Service Rules, Federal/State statutes, Regulations, or other City ordinances.

These rules and regulations may be updated from time to time and the City will provide notice of the changes. It is the Employees responsibility to make sure they are aware of the most up to date rules and regulations. The most up to date policies are available on the City's website.

Sec. 1.05 MAYOR AND CITY COUNCIL

The Mayor and the City Council shall be the ultimate policy-making authority for the City of Crete. The Mayor as chief executive officer of the City shall be responsible for the proper administration of the affairs of the City. The Mayor is the appointing authority under the Civil Service Act of the State of Nebraska. The Mayor shall upon approval of the City Council, appoint or remove a city administrator, city clerk, city treasurer, city engineer, city attorney, and such other officers as required by law.

The Mayor may designate his/her administrative responsibilities under these rules to the City Administrator, as the Chief Administrative Officer, provided the Mayor may not designate any duties or responsibilities in violation of the State statute. The Mayor has the right to approve or disprove any personnel actions taken pursuant to these personnel rules.

Sec. 1.06 SPECIFIC DEFINITIONS

Unless specifically stated otherwise, for the purposes of this policy:

Immediate Family Members shall be defined as: spouse, children, parents, siblings, step, and in-laws of the same relation.

Secondary Family Members shall be defined as: grandparents, grandchildren, aunts, uncles, nieces, nephews and in-laws of the same relation.

CHAPTER TWO

GENERAL POLICIES

Sec. 2.01 APPLICATION PROCESS

The City's Human Resources Department is responsible for the posting of all employment opportunities. Vacancies will be simultaneously advertised publicly as well as internally. The City of Crete is an Equal Opportunity Employer and Equitable consideration will be given to all applicants. Upon request, reasonable accommodations will be made for applicants pursuant to the ADA (Americans with Disability Act).

The City may refuse to consider an applicant or place his/her name on an eligibility list for any of the following reasons:

- The applicant lacks the minimum qualifications stated in the official job description.
- The applicant has been dismissed or resigned for disciplinary reasons from any employment within the past five years for a cause that would constitute a cause for termination under these rules.
- The applicant has made a false statement on his/her application.
- The applicant does not hold a valid driver's license when required by the nature of the job.
- The applicant for a position is a member of the same household and/or an immediate family member within the same supervisory chain of command.
- Failure to successfully pass a drug/alcohol screen.

Sec. 2.02 AMERICANS WITH DISABILITIES ACT

Reasonable Accommodation Policy

It is the policy of the City of Crete to comply with the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964 (ADA), and any amendments thereto. The City of Crete will not (1) discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment; or (2) discriminate against an individual who is pregnant, who has given birth, or who has a related medical condition in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

Disability Defined

An individual is considered to have a "disability" if that individual either (1) has a physical or mental impairment which substantially limits one or more of that person's major life activities, (2) has a record of such an impairment, or (3) is regarded by the covered entity as having such an impairment. The determination of whether any particular condition is considered a disability is made on a case-by-case basis.

Pregnancy Defined
An individual is considered to have a "pregnancy" if the individual is pregnant, has given birth, or has a related medical condition with a known limitation.

Reasonable Accommodation includes, but is not limited to:

- Modifications or adjustments to the application or interview process that will enable a qualified applicant with a disability or pregnancy to be considered for the desired position; or
- Modifications or adjustments to the work environment, or to the method under which the position held or desired is routinely performed, that enables a qualified individual with a disability or pregnancy to perform the essential functions of that position; or
- Modifications or adjustments that will enable an employee with a disability or pregnancy to enjoy the same benefits and privileges of employment as those enjoyed by similarly situated employees without disabilities or pregnancy.

The City of Crete may choose to provide an alternative accommodation other than the one requested by the employee, as long as it is effective in assisting the employee in performing his/her essential job functions.

Essential Functions are the tasks that are fundamental to the job. A job function may be considered essential for any of the following reasons:

- The position exists to perform the function.
- There are a limited number of employees to whom the performance of the function can be distributed.
- The function is highly specialized and the incumbent in the position was hired for his/her expertise in performing the function.

How to Request a Reasonable Accommodation
To request a reasonable accommodation, the employee/applicant must communicate his/her need to his/her supervisor or Human Resources. It is not required for the request to be in writing; however, submitting a written request can help to expedite the process. If the request is verbal, the supervisor or Human Resources should document the request. Any request, whether verbal or written, should contain the following information:

- The type of accommodation requested;
- An explanation of the limitation for which the accommodation is needed;
- A description of how the accommodation will allow the individual to perform the essential functions of his/her job.

If the disability, pregnancy and/or need for accommodation is not obvious, or insufficient information has been submitted, an employee may be asked to submit medical documentation to provide evidence of his/her functional limitation in support of the request for reasonable accommodation. All medical documentation will be kept in a confidential reasonable accommodation file.

The **medical documentation** must include the following:

- A description of the functional limitation as it relates to the employee's job duties, including the anticipated duration (e.g., temporary or permanent). If temporary, specify the date it is anticipated the functional limitation will end.
- A description of the functional limitations caused by the disability in work related terms. For example, if "no prolonged walking" is requested, the medical statement should specify how long or how far the employee is able to walk; if "no prolonged sitting" is requested, the medical statement should specify how long and under what circumstances the employee can sit; if rest periods are required, the medical statement should specify how often and how long the rest periods should be.
- The City of Crete may decline to put an employee on a particular job if it will pose a "direct threat" to the safety of themselves or others. A "direct threat" is defined as a "significant risk of substantial harm that cannot be eliminated or reduced by reasonable accommodation."
- State the accommodation and describe how it will help the employee to perform his/her essential job duties.
- The medical documentation must be written/typed on the official letterhead stationery of the health professional or health professional's organization. The documentation must identify the health professional's credentials (e.g., M.D., D.O., R.N.) and practice specialty (e.g., Physical Therapist, Social Worker, Chiropractor), and be signed and dated by the health professional

Interactive Process

Within five (5) workdays of receiving a request for Reasonable Accommodation the City of Crete and its representatives shall engage in a timely, good faith, interactive process to determine effective reasonable accommodations. To ensure that all effective accommodations have been considered, the supervisor and Human Resources must discuss the request with the employee when the specific limitation, problem, or barrier is unclear; where effective accommodation is not obvious; where modifications to the request may be appropriate; where the parties are choosing between different possible reasonable accommodations; or in other situations where the interactive process can further promote resolution of the request for accommodation. The interactive process should take place in person, unless it is impractical to do so. The interactive process with the employee or applicant shall include, but is not limited to:

- Discussing the purpose and the essential functions of the specific position;
- Reviewing how the functional limitations of the disability or pregnancy can be overcome with reasonable accommodation;
- Identifying potential accommodation options;
- Evaluating the effectiveness of each potential accommodation option;
- Documenting all options discussed and reasons for selecting particular option(s);
- Implementing the most appropriate option(s), after consulting with appropriate staff; and
- Keeping the applicant or employee informed until accommodation is provided or denied.

The duty to accommodate is a continuing duty that is not exhausted by one effort. If a previously granted accommodation is not working, the City of Crete is committed to further engagement through the interactive process to identify alternative appropriate accommodations, as discussed above.

Sec. 2.03 DRESS CODE

Clothing on the job must be in good taste, clean, neat, and reflect the requirements of the working conditions. A neat, well-groomed appearance is important to assure professionalism and competence in the workplace. The responsibility for determination of what is appropriate for a department will be made by the Department Head.

First and foremost, common sense and safety must apply. Employees who are required to work in the outside elements should dress appropriately for their own protection. However, the clothing should be clean and well maintained.

If an employee wears a uniform, the uniform should be worn properly and kept well maintained. The uniform identifies them as a City of Crete employee and proper care of the uniform reflects favorably on them and the City. Uniforms should never be worn after hours in public where alcohol is served.

Department Heads and Supervisors are responsible for ensuring that staff meets the dress code as stipulated. Staff wearing inappropriate clothing will be required to leave work and change into appropriate attire without compensation.

Examples of appropriate attire for employees include:

- Suits, sport coats, dress/ casual slacks, business capris, dress shirts, polo shirts, ties, sweaters, Dresses and skirts which are no less than 2" above the knee.
- Ties are not required on a daily basis. Coats or ties should be worn when the employee is meeting with representatives from other companies, dignitaries, or for any other formal dress purpose.
- Footwear should be clean and in good repair. Dress, casual, or cowboy boots are acceptable.
- Hair should be clean and well kept. Facial hair should be neatly trimmed.

Examples of inappropriate attire for employees include:

- Jerseys, shorts, sweat suits, leggings, mini-skirts, halter styled tops or dresses, tube tops, tops with spaghetti straps, exceptionally tight, low-cut or revealing clothing.

Casual Day Wear - The City Administrator may designate a day that employees can dress in casual attire as follows:

- Jeans and capris (denim or other colored) that are clean, not tight or loose, not-faded, stained, torn, ripped, or frayed may be worn with sweaters, jackets, or City of Crete logo attire.
- Holiday/seasonal sweatshirts/shirts or team wear sweatshirts/shirts maybe allowed on certain casual days as approved by the City Administrator.

Exceptions – Fieldwork:

- If approved by the Department Head, employees who are required to work out-of-doors during the summer months are allowed to wear shorts- clean, in good taste (no short-shorts or cut-offs) and appropriate T-shirts (along with their City identification) or T-shirt bearing the City of Crete logo.

- Employees who are required to work out-of-doors during the winter months should wear appropriate footwear, including boots, and/or overshoes.

Sec. 2.04 RESIDENCY

~~All Department Heads are required to reside within 15 minutes of the city limits of the City of Crete.~~ The City Administrator, Police Chief, Fire Chief, Street Supervisor/Superintendent, and Electric Superintendent shall live within the Crete Extra Territorial Jurisdiction or City Limits. The water and wastewater supervisors/superintendents shall live within 20 minutes of the city limits of the City of Crete. All Emergency Services employees and Utilities Department employees are required to reside within 30 minutes of the city limits of the City of Crete. Utility employees who are assigned "On Call" status shall reside within 20 minutes of the city limits of the City of Crete. Street Department employees who are assigned "On Call" shall reside within 30 minutes of the city limits of City of Crete.

Employees subject to particular residency requirements shall establish residency within ~~six~~ twelve (12~~6~~) months after the calendar day of the start of employment in the position subject to the residency requirement unless an extension has been requested for good cause to the City Administrator, or in the case of the request being made by the City Administrator, requested to Mayor. That residence, or another meeting the particular residency requirement, will be maintained during the term of employment. For purposes of these Personnel Rules and Regulations, residency will mean the employee's normal place of domicile. Failure to comply with the residency requirement shall result in termination.

Sec. 2.05 EMPLOYMENT OF RELATIVES

Public trust, safety, and City morale require that the City maintain a policy that ensures a sense of fairness to the general public as well as internal employees when it comes to the relationships of its employees. In order to promote the efficient operation of the City and to avoid the formation of cliques, claims of sexual harassment, or gender-based discrimination and the blurring of professional and personal responsibilities, the following policy describes the rules for workplace relationships.

Regular status employees who are members of the same immediate family are eligible for City employment provided that they are not in the same supervisory chain of command, nor shall any immediate family member work within any supervisory capacity of another immediate family member on a daily basis. They may, however, be employed in different divisions of the same department or in different departments. In addition to family relationships, and for the same reasons mentioned above, employees involved in romantic, sexual, or dating relationship must also observe the rules mentioned above.

Employees shall notify the City Administrator if they are in violation of this policy. If the City cannot accommodate a transfer request and one of the employees affected does not voluntarily resign to correct the violation, the employee with the least amount of seniority with the City will be asked to resign or be terminated. At the request of the Department Head, the Mayor may, with the consent of a majority of the City Council, make exceptions to this rule if a relationship existed or immediate family members were employed by the City prior to October 1, 2015.

Sec. 2.06 OUTSIDE EMPLOYMENT

Employees may hold other employment outside of City employment with prior approval from their Department Head as long as it does not interfere with the duties of the City job and does not conflict with the interests of the City.

CHAPTER THREE

OPERATIONS

Sec. 3.01 POSITION CLASSIFICATION

The Human Resources Department will be responsible for the maintenance of a classification plan based on an analysis of duties of each position in the City. Written specifications, also known as job descriptions, will be approved by the City Council. Each description will define the class, summarize the duties to be performed, and establish the minimum standards of experience and qualifications required for appointment. Duties described in the job description may not be all-inclusive and do not restrict the assignment of other duties.

Each Department Head is responsible for the assignment of duties, location of work, tools and equipment furnished, work schedule, and working conditions. Department Heads may request a classification review of any position in his/her department at any time.

With the approval of the Department Head an employee may request a classification review of his/her own position at any time, provided the position has not been reviewed within the last 6 months. Such requests will be submitted to the Human Resources Coordinator in writing through the Department Head.

Certified operators will be placed in the Pay Step Plan as follows:

Water Operator Class IV	Steps 2-4
Water Operator Class III	Steps 5-7
Water Operator Class II	Step 8
Wastewater Operator Class I	Steps 2-3
Wastewater Operator Class II	Steps 4-5
Wastewater Operator Class III	Steps 6-7
Wastewater Operator Class IV	Step 8

Wastewater Lead Operator must have a minimum Class III certification. Water Foreman must have a minimum Class II certification.

Sec. 3.02 EMPLOYMENT CATEGORIES

Each employee is employed in a classification that is considered either “exempt” or “non-exempt”. Non-exempt employees are entitled to overtime pay under the Fair Labor Standards Act (FLSA) for hours actually worked over 40 hours in the same workweek. Exempt employees are not entitled to such overtime pay. In addition to these distinctions, each employee will also fall into one of the following employment categories:

TEMPORARY/SEASONAL employees are those who are hired as interim replacements or seasonal help to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration.

Employment beyond any initially stated period does not in any way imply a change in employment status. While temporary employees receive all legally mandated benefits, such as worker's compensation and social security, they are not eligible for any other benefit programs offered by the City of Crete.

REGULAR PART-TIME employees are those that work less than 40 hours per week and are not seasonal/temporary or in their introductory period. Employees that work 30 hours per week or more are eligible for single coverage health insurance benefits. Employees that work less than 30 hours per week will not be eligible to take part in the City's health insurance benefits plan. Benefits for regular part-time employees who work at least 30 hours per week, are prorated based on their scheduled hours of work during the year.

REGULAR FULL-TIME employees are those who are not in a temporary, introductory, or part-time status and who are regularly scheduled to work a full-time schedule with the City. These employees are eligible for the City's benefits program.

Sec. 3.03 VOLUNTEER POLICY

The City of Crete recognizes the valuable role volunteers have as support to City staff. A volunteer is described as someone who voluntarily offers their services without pay or other compensation for a service or undertaking. Volunteers may be motivated by a number of factors, some of which may include:

- Being active
- Helping or meeting others
- Gaining recognition
- Completing an educational or service requirement
- Completing court ordered service

While individuals must apply and be accepted for volunteer service, volunteers are not considered employees of the City of Crete and serve at the discretion of the City Administrator. The City Administrator must also approve all Department requests for volunteer services. This policy is designed to give direction and information to volunteers, City staff, and Department Directors.

VOLUNTEER SERVICE APPLICATION
Volunteer applications include the potential volunteer's name, age, address, past addresses, emergency contact information, references, interests, desired work duties, service dates/times, current employer information, education and training, criminal history check, and a signature certification line.

VOLUNTEER POSITION DESCRIPTION
Volunteer Position Descriptions are very helpful for volunteers and the City staff who will be working closely with them. Position Descriptions help volunteers understand the type of volunteer opportunities available within a Department and if they will enjoy the work duties, and the descriptions help City staff understand what services can be expected from the volunteers. When requesting volunteer services with the City Administrator, Department Directors must include a clear description of the volunteer position and its duties.

VOLUNTEER INTERVIEW

Volunteers should be interviewed to see if they will be a good fit for the City, to discuss the operations of the Department, and to provide realistic expectations of the position's responsibilities and work duties. Efforts will be made to place volunteers in positions based upon their fitness for the position and their motivations for volunteering.

AGE OF VOLUNTEERS AND THE FAIR LABOR STANDARDS ACT

Under the Fair Labor Standards Act, minors ages 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under certain conditions. Work hours for 14 or 15 year-olds are limited to:

- 3 hours or less per school day
- 18 hours or less per school week
- 8 hours or less per non-school day
- 40 hours or less per non-school week
- 7am-7pm Labor Day – May 31st
- 7am-9pm June 1-Labor Day

Minors between the ages of 16 and 18 may work as volunteers but must not perform hazardous work as defined by the Department of Labor. Hazardous work generally includes dangerous work, driving motorized equipment, the use of ladders or scaffolding, or the use of power or motor-activated equipment. Questions on what could be considered hazardous work can be answered by the Human Resources Department. At age 18, the Department of Labor allows workers to engage in hazardous work; however, individuals in Nebraska are still not considered adults until they reach age 19. Therefore, a parent or guardian must approve and co-sign a waiver and release of liability for any volunteers under the age of 19.

Some Departments may have volunteer positions that are suitable for minors below the age of 16 and organized groups of school, scout, church, or similarly affiliated groups may request non-hazardous volunteer projects for their group if adults organize and agree in writing to supervise and hold the City of Crete harmless from all injuries and loss.

VOLUNTEER BACKGROUND CHECK

Volunteer applications will be forwarded to the Human Resources Department, where the applicant will be checked through a formal criminal history check by the third-party background check company One Source. Any applicant seeking to volunteer must sign a One Source Applicant Release Authorization Form. The last two pages of the Authorization Form summarize the applicant's rights under the Fair Credit Reporting Act and provide information about further federal rights.

The Fair Credit Reporting Act (FCRA) sets a national standard that employers must follow in using a third-party background check company. Amendments to the FCRA have increased the disclosure and consent requirements of employers who use those reports. To be covered by the FCRA, the Federal Trade Commission (FTC) requires a report to be prepared by an independent company that is a consumer reporting agency or a business that assembles information on consumers for the purpose of furnishing consumer reports to third parties. All volunteers should receive the information about their federal rights under the FCRA.

WAIVER AND RELEASE OF LIABILITY
A Waiver and Release of Liability Form must be signed by every volunteer. If the volunteer is under the age of 19, a parent or guardian must also approve and sign the Waiver.

VOLUNTEER TRAINING AND ORIENTATION
Volunteers are to receive training and general orientation regarding their duties on their first day of work. The orientation should include a detailed explanation of the expected duties of their position, an introduction to the City staff they will be working with and their immediate supervisor, and information on any policies or procedures specific to their Department. Volunteers shall be accompanied by a City staff member at all times while conducting their duties.

VOLUNTEER CONDUCT
Volunteers, when acting in their volunteer capacity, become representatives of the City of Crete and should conduct themselves in a respectful, professional manner. Volunteers must not smoke, drink alcohol, use vulgar language, or engage in any unlawful activities. At times, volunteers could be subject to confidential information, and a failure to maintain confidentiality will result in immediate dismissal. Volunteers are subject to the same policies and procedures as City staff where applicable.

Volunteers are not authorized to drive City of Crete licensed motor vehicles.

VOLUNTEER DRESS CODE
Volunteers are expected to have a clean and professional appearance, with clothing appearing clean and modest. Volunteers will be issued a badge identifying them as such and must wear it at all times while fulfilling their duties.

VOLUNTEER SAFETY
Volunteer safety is extremely important, and volunteers must comply with all federal, state, and local safety laws and regulations and any specific Department standards. Any volunteers injured while performing their duties must immediately advise their supervisor and are **not** eligible for worker compensation benefits.

EXISTING EMPLOYEES AS VOLUNTEERS
City of Crete employees may want to volunteer their services to another City Department. Pursuant to the Fair Labor Standards Act's regulations (29 CFR 553.100-106), current City employees may volunteer as long as the volunteer services are not "the same type of services for which the individual is employed to perform" for the City. Questions regarding these regulations can be answered by the Human Resources Department.

Sec. 3.04 INTRODUCTORY PERIOD

All employees, other than temporary/seasonal, shall normally serve an introductory period as determined by the department that shall not be less than six months. The introductory period is an essential part of the employment selection process. It gives the City and the employee the opportunity to make sure the job is a good fit. An employee's performance that does not meet minimum required standards may be terminated without recourse within the introductory period.

When it is determined that the services of the employee have not been acceptable, the Department Head shall notify the employee in writing of the date that the termination will be in effect. A performance report, together with a copy of the termination shall be forwarded to the Human Resources Department and City Administrator for approval.

A newly hired employee will accrue vacation during the introductory period, but it will not be considered "earned" until the introductory period is successfully completed. An employee that leaves the City's employ during the introductory period will be compensated for the accrued vacation. This does not apply to promotional or assignment change introductory periods.

A performance evaluation and change of status form that requests the employee be removed from the introductory status will signify successful completion of the introductory period. The Department Head may extend the introductory period upon written notification to the employee and the Human Resources Coordinator.

While serving the introductory period, an employee may be appointed or promoted to a position in a different class. When this occurs, the employee will begin a new introductory period for the position to which he/she has been appointed or promoted to. The same is true for employees that request reassignment into a different position.

An employee may also serve additional introductory periods in the case of a promotion. When promoted, an employee will serve an introductory period that resembles that required for the original appointment.

Sec. 3.05 REGULAR STATUS

Once an employee successfully completes his/her introductory period, the employee is then appointed to regular status.

Regular status employees be eligible to use accrued vacation at the rate established by these rules.

Sec. 3.06 HOURS OF WORK

The 40-hour workweek shall be the standard workweek unless otherwise provided. All employees may be required to work over 40 hours per week. Employees in non-exempt classifications shall be compensated at a rate of time and one half of their regular rate of pay for all hours actually worked over 40 in the work week.

For purposes of calculating overtime, the work week starts at 12:00 a.m. on Monday and ends at 11:59 pm on the following Sunday. Hours worked shall include actual hours worked. Any payment for time not actually worked (leave time) shall not count towards the calculation of overtime. Holidays shall count toward the calculation of overtime. Overtime shall not be paid more than once for the same hours worked.

Department Heads may establish work periods and hours of work, which differ from the standard to meet special department needs or workloads with the approval of the City Administrator.

Adjustments may be made to an employee's hours in an effort to maintain the hours worked by an employee at or below forty (40) hours in a week.

Overtime shall be paid out in the next regular pay period unless the employee designates on the time sheet that the overtime worked is to be banked as compensatory time. An employee may accrue no more than 120 hours of compensatory time.

Exempt employees are not eligible for overtime for hours worked in excess of 40 during the workweek.

LUNCH PERIODS: Lunch periods may be established in one-hour increments. In the event that the employee is required to work through the lunch period or have lunch at their desk, the time will be added to the hours worked for the day.

REST PERIODS: Rest periods, more commonly referred to as "breaks" may be taken in 15-minute increments during each one-half workday when possible. No more than one break per half workday is permitted. Employees are encouraged to take breaks when the workload allows, but may not save up break time to use in larger increments than 15 minutes or to leave work early. Break time is to be used in the spirit in which is intended for and abuse of rest periods may be cause for disciplinary action.

PAY SCHEDULES: The City Clerk's Office will maintain pay schedules for approved classifications as prescribed by City Ordinance. The City may revise the pay schedule when changes in classes, availability of labor supply, prevailing rates of pay/comparability, or economic conditions so dictate. The new pay schedules will become effective upon the effective date of the ordinance that has been approved by the Mayor and City Council.

All new employees will normally be hired at Step 1 of the pay grade of their position. However, due to extenuating circumstances, an employee may be hired at a higher step with the written approval of the City Administrator. Employees will remain in each step for at least 1 year with their performance to be evaluated on the anniversary of the change of status. After a successful introductory period, an employee may advance more than 1 step.

Prior to advancing in a step or grade, employees will be evaluated on their performance at least annually. An employee must receive satisfactory performance ratings in order to receive an increase in pay, other than a salary table adjustment. Such adjustments in pay shall be effective on the first day of a pay period falling on or immediately after the employee is eligible for the pay increase. During employment with the City of Crete, an employee receiving the highest possible rating in all categories of the evaluation may be considered for more than a one-step increase when recommended by the Department Head and approved by the City Administrator. This type of increase shall only happen one time during the employee's tenure with the City of Crete.

PROMOTIONS: An employee who is promoted will be placed in the lowest step of his/her new pay grade that will permit an increase of at least 3%. After successfully completing the six-month introductory period in his/her new position, he/she may be reviewed by their Department Head for a step increase at this time.

PAY PERIODS: All employees will be paid biweekly. The pay period may be larger or smaller than two weeks. The Finance Director, with the Mayor's approval, may, because of unforeseen incidents, change the day on which paychecks will be issued. If a holiday falls in the payroll processing week, the direct deposits may be delayed by one day. Direct deposit is required for all City employees.

SAFE HARBOR: The City uses a payroll cycle that runs bi-weekly (every two weeks). Any employee that identifies a mistake in his/her paycheck should contact his/her supervisor and/or the Business Office so that it may be corrected. The City makes every effort to correctly process its payroll and prohibits improper deductions. Any such errors will be corrected as they are identified.

CALL BACK PAY: An employee that is called into work from his/her home will be eligible to receive compensation at the rate of time-and-one-half for the actual hours they are engaging in work.

ON CALL DUTY: Designated employees will be required to be accessible and available for emergency call-out duty outside of regular working hours. This applies to the Street, Electric, Water, and Wastewater Departments.

This duty will extend for a one-week period of time, and will normally be rotated among qualified employees in the department. During this one-week period the employee must be located at all times within twenty (20) minutes of response. This will apply to Electric and Water Departments.

An employee will be compensated for "on call" duty for seven days of consecutive duty, beginning 8:00 a.m. on Monday and continuing to 7:59 a.m. the following Monday. From Memorial Day until Labor Day the time period is from 7:00 a.m. on Monday and continuing to 6:59 a.m. the following Monday.

The rate of compensation shall be four (4) hours pay at the Employee's regular rate of pay or four hours added to the Employee's comp time bank. The employee shall notify the Department Head of the method of compensation before the "on call" duty begins.

When the "on call" duty falls on an observed official City holiday, the rate of compensation shall be eight (8) hours pay at the Employee's regular rate of pay or eight hours added to the Employee's comp time bank. The employee shall notify the Department Head of the method of compensation before the "on call" duty begins. Only one employee, per department, will receive credit for "on call" duty over the holiday and/or the day off granted "in lieu" of a holiday falling on a Saturday or Sunday.

Employees temporarily assigned duties out of standard working hours, requiring their attendance during the hours that would normally be "on call" for the work attendance, will be compensated at actual time required, to be set by the Department Head. An employee assigned "on call" who is called out for unscheduled emergency work outside regular working hours, not a holiday, shall be compensated by a minimum of two hours at one and one-half the standard rate of pay.

Additional hours of work shall be compensated in pay or compensatory time off in increments of one-half hour actually worked, at a rate of one and one-half times the standard rate of pay unless callout falls within two hours of a previous call - then contiguous.

Sec. 3.07 TIMEKEEPING

The following procedures and guidelines have been created to ensure accurate record keeping within the City of Crete. The Fair Labor Standards Act (FLSA) and Nebraska state law require the City to keep accurate time records for employees.

ELECTRONIC TIMEKEEPING SYSTEM
All employees are required to use the electronic timekeeping system to record hours worked or days present, to track paid leave used, and to request vacation, sick, comp, or other types of leave. All employees and supervisors are required to take training on the electronic timekeeping system and to be familiar with the City's policies on timekeeping and attendance. Employees are responsible for verifying the accuracy of the hours worked on their time and attendance report for the applicable pay period, and each supervisor is responsible for making sure accurate data is logged in the electronic timekeeping system and submitted to Human Resources. Any discrepancies between hours worked or leave taken should be reported to the employee's supervisor or Human Resources immediately.

CLOCKING IN AND OUT
All hourly employees are required to clock in at the start of their workday, clock in/out for lunch breaks, and clock out at the end of their workday. Employees are expected to clock in and out at their worksite and at their regularly scheduled times. Under certain conditions when an employee cannot clock in and out at their worksite (*i.e.,* for off-site training), the employee must report their time to their supervisor for manual entry. If an employee forgets to clock in or out, they must provide notice to their supervisor immediately.

Employees who repeatedly clock in/out early or late without supervisor approval will be subject to disciplinary action, up to and including termination. All overtime must be approved in advance by supervisors.

PROHIBITED ACTIONS

The following actions are prohibited and will be subject to disciplinary action. See the Section on Discipline and Appeal Procedure for more details on disciplinary actions.

- Employees using another employee's user ID/password to clock in or out for another employee.
- Clocking in or out, outside of work station/facility
- Any attempt to tamper with timekeeping software.
- Any time spent working while not clocked in.

UNREPORTED HOURS

All hours worked must be reported using the electronic timekeeping system. Employees must clock in before performing any work and are not permitted to clock out until all work has stopped. Any time spent working while not clocked in is strictly prohibited. Employees that under report or fail to report hours worked will be subject to disciplinary action, up to and including termination. Examples of working off the clock may include:

- Forgetting to clock in or out
- Voluntarily continuing to work at the end of regular working hours
- Taking work home to complete on the weekend or in the evening
- Checking/reading/reviewing work-related emails or listening to work-related voicemail messages while away from the office or workplace
- Answering phones, emails, or attending to customers while clocked out for a lunch break

Once clocked in, employees are responsible for working on appropriate City-related tasks, and when the workday is complete, employees are responsible for clocking out. With the exception of breaks, employees conducting personal business or simply not working while clocked in may be considered "riding the clock" and may be subject to disciplinary action, up to and including termination.

END OF PAY PERIOD

Supervisors are required to submit time cards to Human Resources through the electronic timekeeping system by 10:00 AM on the day immediately following the last day of the pay period, unless a holiday falls on Monday, then the deadline will be Tuesday by 10:00 AM. Employees' time cards that are not submitted by 12:00 PM on the day immediately following the last day of the pay period as noted above, will not be processed until the next pay period. Exceptions and changes must be fixed prior to approving the time card to Human Resources or they will not be made. It is highly recommended that supervisors check their employees' leave requests and time entries weekly, if not daily, to avoid errors at the end of a pay period.

Sec. 3.08 SEXUAL AND OTHER UNLAWFUL HARASSMENT

The City of Crete is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, mental or physical disability, marital status, genetic information, or any other legally protected characteristic will not be tolerated. Everyone is to be treated equally with dignity and respect.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This form of employee misconduct undermines the integrity of the workplace and will not be tolerated. The following is a partial list of examples of sexual harassment:

- Unwelcome sexual advances – physical or verbal.
- Offering employment benefits in exchange for sexual favors.
- The use of derogatory comments, epithets, slurs, or jokes.

If an employee experiences or witnesses sexual or other unlawful harassment in the workplace, it must be reported immediately to his/her supervisor and the Human Resources Coordinator. All allegations of sexual harassment will be quickly and discreetly investigated. Any supervisor or Department Head who becomes aware of possible sexual or other unlawful harassment is to report it immediately to the Human Resources Coordinator. If the Human Resources Coordinator is not available, report to the City Attorney.

An employee shall not suffer retaliation for coming forward with a complaint of harassment. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination. Retaliation against someone that makes a complaint of harassment is strictly forbidden. An employee that feels that they have been retaliated against for coming forward with a complaint should make their supervisor and the Human Resources office aware of it immediately. Should the Human Resources Coordinator be unable to handle the complaint, it should be forwarded to the Legal Department.

Sec. 3.09 TOBACCO USAGE

Tobacco use is prohibited by all persons in any city facility or vehicle. This policy does not prohibit tobacco use in designated outdoor areas.

A. Definitions:

- City facility shall mean any indoor office, work area, or location used by the general public or serving as a place of work for City employees that is owned, leased, or rented and under the day-to-day control of the City of Crete.
- Tobacco use shall mean carrying a lighted cigar, cigarette, pipe, or any other tobacco substance, including chewing tobacco, snuff, and e-cigarettes.
- Vehicle shall mean any self-propelled conveyance designed for use upon City streets that is owned, leased, or rented by the City of Crete.

B. Enforcement:

Department Heads shall ensure that the supervisor in charge of such City facility or vehicle shall make reasonable efforts to prevent tobacco use in the City facility or vehicle by:

- Posting appropriate signs.
- Asking tobacco users to refrain from using tobacco in the tobacco-free area, citing Nebraska Clean Indoor Air Act and this City policy.
- Taking any other appropriate means, including disciplinary action for City employees pursuant to appropriate union contract or Personnel Rules and Regulations.

C. Complaints:

Persons observing a violation of this policy are responsible to bring it to attention of their supervisor.

Sec. 3.10 DRUG-FREE WORKPLACE

The City of Crete is committed to providing a safe work environment. The City prohibits the distribution, manufacture, possession, sale, use, transfer, transport, or purchase of illegal drugs, or being under the influence of alcohol or drugs at the workplace, on City premises, or in City vehicles. Any violation of this policy is subject to discipline up to and including termination, for the first offense. An exception may be made for Police Officers if transporting and/or storing of evidence.

The substances that are prohibited include but are not limited to the following:

- Alcohol
- Cannabinoids (marijuana, hashish)
- Depressants (tranquilizers)
- Hallucinogens (PCP, LSD, "designer drugs", etc.)
- Narcotics (heroin, morphine, etc.)
- Stimulants (cocaine, methamphetamines, etc.)

Any employee convicted of violating a criminal drug/alcohol statute must inform the City of such a conviction (including pleas of guilty and no contest) within five days of the conviction occurring. Failure to inform the City will subject the employee to disciplinary action, up to and including termination for the first offense. By law, the City will notify the federal grant agency or contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such conviction.

The City reserves the right to offer employees convicted of violating a criminal drug/alcohol statute, the opportunity to participate in a rehabilitation or drug/alcohol abuse assistance program, at the employee's expense, as a form of discipline. If such an opportunity is offered and accepted, the employee must successfully complete the program before returning to their position as a condition of employment.

The City may test all applicants who have been offered a position with the City prior to starting their new job. Job placement is contingent on the results of the drug/alcohol testing. The City may test all new hires for the following substances:

- Amphetamine/Methamphetamine
- Cannabinoids
- Cocaine metabolites
- Opiates
- PCP

The City reserves the right to test any employee that it has reasonable cause to believe is under the influence of alcohol or drugs while in the workplace.

Any employee that is involved in a worker's compensation claim involving an injury or an accident involving an injury requiring medical attention shall be required to submit to a drug/alcohol test for cause. Additionally, if an employee is operating a city vehicle/equipment and is involved in a reportable accident, pursuant to City Policy, while in the operation of said vehicle, there shall be drug/alcohol testing for cause. Any employee involved in any such injury or accident shall immediately notify his or her supervisor and the Human Resources Department so that immediate arrangements can be made for drug/alcohol testing to be promptly carried out.

The City shall also maintain a testing program as is required by the U.S. Department of Transportation (DOT). This program will apply to employees in job classifications that require a Commercial Driver's License (CDL). Employees in this classification will receive additional information in the orientation process from the Human Resources Department.

The City of Crete Drug and Alcohol testing procedures used will follow the City of Crete Drug and Alcohol Testing Procedures Manual as approved and/or amended by the Governing Body.

Sec. 3.11 CORRECTIVE AND DISCIPLINARY ACTIONS

A. Employees are expected to act in a mature and professional manner while performing services for the City of Crete. Below is a non-exclusive partial list of unacceptable behaviors that may result in disciplinary action.

- Failure to observe safety rules and regulations.
- Failure to report to work at the appointed time or place, or for departing prior to the designated time, including abuse of rest periods.
- Solicitation, distribution, or display of non-work-related materials while on City time.
- Operating a personal business while on City time.
- Intimidation or coercion.
- Overuse ("waste") of City equipment, tools, or material beyond what is required to complete a task.
- Using abusive language or making false or malicious statements concerning any employee, the City, or its services.
- Unnecessary physical games (i.e., "horseplay," "roughhousing,' etc.), loitering or sleeping on the job.
- Unauthorized posting, removing, or altering of bulletin board notices.
- Violation of City, Department, or Division written or verbal policies or procedures.
- Unauthorized use or release of confidential, sensitive or privileged information.
- Intentional unavailability for or refusal to work over-time or respond to emergency call-out.
- Abuse of medical leave or other paid leave.
- Conduct that negatively impacts the professional appearance/reputation of the City.

B. An employee may be terminated, even for a first offense, for the following violations. This list is representative of dischargeable behaviors but is not all-inclusive.

- Insubordination.
- Theft of public or private property.
- Misappropriation of public property.

- Harassment.
- Consumption or possession of alcohol or non-prescribed drugs on City time or property.
- Being under the influence of alcohol or non-prescribed drugs while in the workplace.
- Gambling on City time or property.
- Fighting on City time or property unless such is lawful and/or objectively reasonable as part of the employee's official duties or in response to an attack.
- Conviction of a felony.
- Abusive, offensive, or obscene language or conduct towards the public, City officials, or employees unless such act is lawful and/or objectively reasonable as part of the employee's official duties.
- Demeaning or, disruptive conduct in the workplace.
- Intentional or negligent damage or destruction of private or public property.
- Fraud, falsification, or deceit in the conduct of City business unless such act is lawful and/or objectively reasonable as part of the employee's official duties.
- Incompetence or unsatisfactory performance.
- Unauthorized possession or use of firearms or hazardous materials on City time or property.
- Work disruption or stoppage, strike, or other forms of job action or withholding of services.
- Act or threat of physical violence directed towards City officials or employees unless such act is lawful and/or objectively reasonable as part of the employee's official duties.
- Soliciting or accepting bribes in the conduct of City business.
- Conduct tending to discredit or impair the duties and the responsibilities of the employee's position.
- Violation of the "Employment of Relatives" Policy.
- Failure to maintain licensure required to perform job duties.

C. Any employee cited, arrested or convicted of any offense other than a minor traffic violation must report the incident to his/her supervisor within 24 hours (excluding weekends/holidays). Failure to report such matters can result in discipline, up to and including termination.

Sec. 3.12 DISCIPLINE AND APPEAL PROCEDURE

A. General Statement

It is the policy of the City of Crete to provide a system of progressive discipline, which affords an opportunity for the resolution of unsatisfactory employee performance or conduct. Except in the case of a verbal or written reprimand, such system shall include an appeal procedure to assure the equitable and consistent application of discipline. Discipline may begin with the least severe, appropriate disciplinary action and progress, if necessary, to more severe actions. The severity of the incident may warrant any level of initial disciplinary action as appropriate for the offense.

B. Progressive Discipline

Progressive discipline is the successive application of increasingly severe disciplinary actions. These actions, in order of severity, are verbal reprimand, letter of counseling, written reprimand, probationary status, suspension, and termination.

C. Verbal Reprimand

A verbal reprimand may be imposed by the employee's immediate supervisor for minor violations or incidents. The reprimand must inform the employee of the violation or incident, the required corrective action, and the consequences of a reoccurrence of the violation or incident.

D. Letter of Counseling

A letter of counseling may be used to notify the employee that performance with regard to an issue continues to be unacceptable and must be improved immediately. The letter shall include the following:

- outline of the unacceptable performance and/or conduct;
- reference to discussion and actions taken to date regarding the unacceptable performance and/or conduct;
- specific directives for correcting the unacceptable performance and/or conduct and include timetables and dates;
- reference to additional disciplinary actions if performance and/or conduct is not improved; and,
- is to be signed by the employee, immediate supervisor and copied to Department Head. The Letter of Counseling shall be maintained in the employee's personnel file.

E. Written Reprimand

A written reprimand may be imposed by a Department Head, the City Administrator, or the Mayor. A written reprimand is warranted for repeated minor violations or incidents, or for a violation/ incident of a more serious nature. The written reprimand shall include the following:

- Must inform the employee of the violation or incident(s);
- The required corrective action to be taken;
- The consequences of a reoccurrence of the violation or incident(s); and,
- Copies of the written reprimand shall be delivered to the employee.

The employee shall sign an acknowledgement of receipt. A copy is to be provided to the Human Resources Department and maintained in the employee's personnel file.

F. Probationary Status

An employee can be put into a probationary status by the Department Head, with the Mayor's approval, for conduct that is deemed unacceptable. During the probationary period the employee's performance and compliance with City rules and standards will be closely supervised.

During the period of probation, the employee shall be subject to immediate suspension or termination, if, the employee's performance is unsatisfactory or the employee has failed to comply with City rules and standards.

G. Suspension

A suspension is a period of time where the employee is removed from the workplace without pay. Suspension is normally imposed for a disciplinary or dischargeable offense or for an employee's failure to take corrective action in response to a written reprimand. A suspension may be imposed as initial discipline for a violation or incident of a serious nature. During the period of suspension, the employee shall not accrue any vacation, holiday, or sick leave benefits. A suspension may be imposed by the Department Head, the City Administrator, or the Mayor.

All suspensions shall comply with Fair Labor Standards Act (FLSA).

Prior to imposition of suspension as a disciplinary action, a written notice of suspension shall be prepared and signed by the Department Head, the City Administrator, or the Mayor. The notice of suspension must inform the employee of the following:

- A statement of the violation(s) or incident(s)
- A brief explanation of the evidence underlying the violation(s) or incident(s)
- The discipline to be imposed
- Any required corrective action by the employee
- The consequences of a reoccurrence of the violations(s) or incident(s)
- The employee's right to request an appeal hearing before the Mayor

A copy of the notice of suspension shall be delivered to the employee, either personally or by delivery to the employee's last known place of residence at least seventy-two (72) hours, excluding Saturday, Sunday, and Holidays, prior to imposition of the disciplinary action. At the discretion of the person issuing the notice of suspension, the employee may be suspended without pay immediately upon delivery of the notice pending implementation of the disciplinary action. A copy of the notice of suspension shall be delivered to the Human Resources Department for placement in the employee's personnel file.

A suspension may be appealed pursuant to the procedure set out hereafter.

H. Termination

A Termination may be imposed by the Department Head with the Mayor's approval for an employee's failure to correct his/her workplace conduct in response to a suspension. A Termination may also be imposed as initial discipline for a violation or incident of a serious nature.

Prior to imposition of termination as a disciplinary action, a written notice of termination shall be prepared and signed by the Department Head, the City Administrator, or the Mayor. The notice of termination must inform the employee of the following:

- A statement of the violation(s) or incident(s)
- A brief explanation of the evidence underlying the violation(s) or incident(s)
- A statement that termination is to be imposed
- The employee's right to request an appeal hearing before the City Council Personnel Committee.

A copy of the notice of termination shall be delivered to the employee, either personally or by delivery to the employee's last known place of residence, prior to imposition of the disciplinary action. The employee shall be terminated without pay immediately upon delivery of the notice of termination pending implementation of the disciplinary action or a final determination by the Mayor on the proposed disciplinary action following an appeal hearing. A copy of the notice of termination must be delivered to the Human Resources Department for placement in the employee's personal file.

A proposed termination may be appealed pursuant to the procedures set out hereafter.

I. Appeal Procedure

A regular status, non-introductory employee, may appeal a suspension or termination in accordance with the following procedure:

1. Following delivery of a notice of suspension or notice of termination, the employee shall have seventy-two (72) hours, excluding Saturday, Sunday, and Holidays, to request an appeal hearing before the City Council Personnel Committee. Such request shall be in writing and delivered to the office of the Mayor (or City Clerk in the case that the Mayor issued the notice of suspension or notice of termination) at City Hall.
2. Upon receipt of a request for an appeal hearing, the City Council Personnel Committee shall within five (5) working days cause to be set a time and place for the appeal hearing and written notification thereof shall be provided to the employee, the Human Resources Coordinator, and City Attorney. The appeal hearing shall be held within fifteen (15) working days after receipt of the request for hearing. The appeal hearing shall be conducted informally and recorded electronically.
3. At the hearing, the City Attorney, Department Head, and/or City Administrator shall present oral or written statements, reports, and documents supporting the disciplinary action.
4. The employee, the employee's representative or attorney, or other person on the employee's behalf, may present oral or written statements, reports and documents in response to the proposed disciplinary action.
5. Each side shall be limited to one (1) hour or less for making their respective presentations. The Mayor upon good cause shown may extend the time for presentation.
6. Upon conclusion of the appeal hearing, the Mayor (or City Council in the case that the Mayor issued the notice of suspension or notice of termination) shall make a determination in writing to dismiss, modify, or impose the proposed disciplinary action. The proceedings before the Mayor (or City Council in the case that the Mayor issued the notice of suspension or notice of termination) at the appeal hearing shall constitute the sole basis on which the Mayor's (or City Council in the case that the Mayor issued the notice of suspension or notice of termination) determination shall be based. Modification may include any lesser disciplinary action than that which was proposed, including written reprimand, reduction in pay, or change in the terms of suspension and may provide for a period of probation, counseling, treatment, or other corrective actions on the part of the employee.

A copy of the Mayor's (or City Council in the case that the Mayor issued the notice of suspension or notice of termination) written determination shall be delivered to the employee, either personally or by delivery to the employee's last known place of residence.

A copy of the Mayor's (or City Council in the case that the Mayor issued the notice of suspension or notice of termination) written determination shall also be delivered to the City Administrator, City Attorney, and the Human Resources Coordinator. The Human Resources Department shall place a copy of the Mayor's written determination in the employee's personnel file.

Should the employee be dissatisfied with the Mayor's (or City Council in the case that the Mayor issued the notice of suspension or notice of termination) determination, the employee may appeal to the District Court of Saline County, Nebraska, in accordance with the procedures provided by the statutes of the State of Nebraska. The filing of a petition in error by the employee or the service of summons upon the City shall not stay enforcement of a disciplinary action. The City may stay the action voluntarily, or the City may comply with such stay as is ordered by the District Court.

Sec. 3.13 EMPLOYEE GRIEVANCES

If you think that unfair, unnecessary corrective, discriminatory, sexual harassment or other illegal action has been taken against you, you have a right to file a grievance against the action. The following will be the grievance procedure for employees of the City of Crete, except those that are members of a recognized bargaining unit. Members of bargaining units shall use the grievance procedures provided in their respective labor agreements.

Each person may present a grievance to their immediate supervisor. Written notification of this grievance will be forwarded to the Human Resources Coordinator, Department Head, and City Administrator.

- If the grievance is against the immediate supervisor, then the grievance shall be presented to the Department Head. In the event the grievance is against the Department Head, then the grievance shall be presented to the City Administrator. In the event the grievance is against the City Administrator, then the grievance shall be presented to the Mayor. In the event the grievance is against the Mayor, then the grievance shall be presented to the City Council President.
- All grievances shall be responded to in writing within 5 working days or, if present to the City Council, within 5 working days after the next regularly scheduled Council meeting that complies with the notice requirements for Council action.

If the person is not satisfied with the decision of their immediate supervisor, they may present the grievance to the Department Head who will notify the Human Resources Coordinator and City Administrator. The Department Head will respond in writing within 5 working days.

In the event that the person is not satisfied with the decision of the Department Head, they may notify the Human Resources Coordinator in writing within 5 working days. The Human Resources Coordinator will notify the City Administrator who will investigate the grievance and forward the results to the grievant and the Mayor. The Mayor (the City Council if the Mayor is the subject of the grievance) may conduct a review of the record and notify the grievant of the Mayor's decision (the City Council if the Mayor is the subject of the grievance).

The following are the prerogative of management and are not subject to the grievance process. Except where limited by provisions elsewhere in these rules, nothing in the rules shall be construed to restrict, limit, or impair the rights, powers, and the authority of the City as granted to it under the laws of the State of Nebraska and City ordinances. These rights, powers, and authority include but are not limited to the following:

- Discipline or termination for just cause arising under the City Personnel Rules.
- Providing lawful direction to employees.
- Hire, assign, or transfer employees.
- Determine the mission of the City.
- Determine the methods, means, and/or number of personnel needed to carry out the City's mission.
- Introduce new or improved methods or facilities.
- Change existing methods or facilities.
- Relieve employees because of lack of work.
- Contract out for goods or services.
- The right to classify jobs and allocate individual employees to appropriate classifications based upon duty assignments.

Sec. 3.14 RESIGNATIONS, RETIREMENTS, AND LAYOFFS

RESIGNATIONS: To resign in good standing, an employee must give the Department Head written notice at least 14 calendar days prior to termination, unless the Department Head agrees to permit a shorter period.

SEPARATION: An employee that does not report for work without supervisor approval or a doctor's report for three (3) consecutive days will be considered separated from the City.

RETIREMENT: An employee may retire from the City of Crete pursuant to the Pension Plan Documents as adopted and revised from time to time by the City Council of the City of Crete, in accordance with State Statute and IRS regulations.

REDUCTION IN FORCE: Whenever it is determined to be in the best interest of the City to reduce its workforce, the Department Head of the affected department, City Administrator, or the Mayor will recommend the implementation of the reduction.

Factors that will be taken into consideration shall include, but are not limited to:

- The employment policies and staffing needs of the department, together with contracts, ordinances, and statutes related thereto and budgetary considerations;
- Required federal, state, or local certifications or licenses;
- Seniority;
- The performance appraisal of the employees affected, including any recent or pending disciplinary actions;
- The knowledge, skills and abilities of the employee;
- The multiple job skills recently or currently being performed by the employee.

Upon the receipt of the recommendation, a determination will be made as to the classifications to be affected by a reduction in force and the number of employees to be laid off. A determination as to whether any employees within a job classification should be exempted from consideration due to the existence of a required federal, state, or local certification, or license will also be made at this time.

RECALL: Employees laid off under this reduction in force policy shall be eligible for recall for the same position for a period of 2 years after layoff. If, within 2 years after layoff, a position is opened within the reduced job classification for the department, the employee shall be recalled in the reverse order of layoff. The Employee shall have their sick leave accrual balance reinstated at the amount accrued at the time of lay off. After 2 years, the employee will have no preference for rehire.

CONSIDERATION GIVEN FOR RELEASE OF ALL CLAIMS AGAINST THE CITY:
Employees with 1 to 4 years of continuous employment with the City whose employment is terminated by a reduction in force will be entitled to consideration equal to 4 week's pay. Employees with 5 or more years of service will receive 4 weeks' pay plus 1 week for each additional year of service with a maximum payout of 12 weeks.

Employees who retire or are terminated through disciplinary action will not receive this consideration. The Mayor may grant consideration in resignation cases when deemed appropriate. The Mayor may grant consideration greater than 4 week's pay upon a determination that such action is in the best interest of the City.

FURLOUGH: When it is determined necessary to reduce payroll expenses, employees may be required to participate in furloughs or a reduction in hours worked. The employee's health insurance and other benefits will not be affected as long as the furlough is temporary in nature and does not result in the employee's hours dropping below thirty-five hours per week average on an annual basis.

Sec. 3.15 USE OF CITY PROPERTY AND EQUIPMENT

Property and equipment that is provided by the City to carry out the duties of day-to-day business is to be used in the way that it is intended. Personal use of City property and equipment including computers and City issued personal devices is prohibited. Personal use of City Internet service is prohibited. Equipment that is available for the public to rent may be rented by employees in the same manner.

Employees shall be responsible for proper operation, care, and conservation of city vehicles, equipment, tools and supplies. The following guidelines are provided regarding use of these resources:

- City vehicles, equipment and supplies shall not be used for unauthorized purposes.
- Employees shall promptly report accidents, breakdowns or malfunctions of any unit in order that necessary repairs may be made.

- When safety devices are installed on vehicles and equipment, such devices shall be maintained in good working order and shall be used by all occupants of vehicles or equipment.
- If available, seatbelts shall be worn by all occupants of city vehicles when such vehicles are in operation.
- City employees shall not use city equipment or vehicles to transport unauthorized persons except where such transportation is necessary in the provision of emergency services. Authorized passengers will have a definable business need to be in the vehicle.
- No employee will operate any City vehicle or equipment while under the influence of alcohol or drugs. No illegal drugs or open containers of alcohol are permitted in any city vehicle, except when such materials are transported as evidence by Police Department personnel. Decisions regarding the ability of an employee to operate equipment or vehicles while taking physician prescribed medications shall be made on a case-by-case basis by the Department Head, and shall be based upon physician recommendation. No employee shall be permitted to operate city vehicles or equipment while under the influence of non-prescription medications unless such operation can be accomplished safely. Decisions regarding non-prescription medications shall be made on a case-by-case basis by the Department Head.
- City vehicles may be driven to and from work with Mayor and Council approval of policy and usage agreements in each case. IRS compensation guidelines will apply in each case.
- With the permission of the Chief of Police, police officers residing within the City Limits may take patrol vehicles home to permit an immediate response during the current or subsequent shift. This permission does not, however, imply off-duty officers are on-call.

Sec. 3.16 CITY GOVERNMENT COMPUTER NETWORK

A. Overview

The intentions for publishing a security awareness and acceptable use policy are not to impose restrictions that are contrary to the established culture of openness, trust and integrity. The City of Crete is committed to protecting all employees, partners, and the City of Crete from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer/City issued personal electronic device(s), software, operating systems, storage media, network accounts providing electronic mail, www browsing, and File Transport Protocol, are the property of the City of Crete. These systems are to be used for business purposes in serving the interests of the City of Crete, and of our clients and customers in the course of normal operations. All internet/intranet activities are continually recorded and logged. All logs are the property of the City of Crete.

Effective security is a team effort involving the participation and support of every City of Crete employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer/City issued personal electronic device user to know these guidelines, and to conduct their activities accordingly.

B. Purpose

The purpose of this policy is to outline the acceptable use of computer/City issued personal electronic device equipment of the City of Crete. These rules are in place to protect the employees and the City of Crete. Inappropriate use exposes the City of Crete to risks including virus attacks, compromise of network systems and services, and legal issues.

C. Scope

This policy applies to employees, contractors, consultants, temporary employees, and all other workers at the City of Crete, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the City of Crete

D. General Use and Ownership

While network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the government systems remains the property of the City of Crete. Because of the need to protect the network, management cannot guarantee the confidentiality of employee's personal information stored on any network device belonging to the City of Crete.

An e-mail system and Internet access are provided to City employees for the purpose of conducting official City business. These may not be used for prohibited purposes, such as conducting private business, or political campaigning, pornography, or any illegal uses. Computer/City issued personal electronic device use on government systems may be audited.

Computer/City issued personal electronic devices owned by City government or purchased with public funds should not have any recreational games installed. This includes the games supplied as part of the operating system of "free" additional programs. The Information Technology Department will be notified before any new program is knowingly installed on any computer/City issued personal electronic device that is connected directly or through wireless to the City Government Network before the program is installed.

For security and network maintenance purposes, authorized individuals within the City of Crete may monitor equipment, systems and network traffic at any time. The City of Crete reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

All systems and infrastructure located and used on City of Crete property and/or are connected to City of Crete network infrastructure are governed by the policies and procedures set forth and approved by the City Council, except for the Library Public Access system which is governed by separate Library Board Policy.

E. Security and Proprietary Information

The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential.

Examples of confidential information include, but are not limited to: customer credit card information, employee information, customer receivable lists, vendor information and research data, except for the Library Public Access system which is governed by separate Library Board Policy. Confidential information is established by Federal, State, or local law, or approved policy. Employees should take all necessary steps to prevent unauthorized access to confidential information.

Employees dealing with customer credit cards will not retain, email, or write down customer credit card information in any fashion.

Employees shall keep passwords secure and shall not share accounts. Authorized users are responsible for the security of their passwords and accounts. It is highly recommended when practical, that user passwords be changed every 90 days. Users desiring to change their password should contact IT before attempting to do so.

All PCs, laptops, and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 15 minutes or less where appropriate. Employees should secure their workstations by logging off or locking (control-alt-delete for Windows users) when the host will be unattended. If for some reason a screen saver timeout interferes with system operation, then special approval must be obtained from their Department Head with IT Department concurrence.

Postings by employees from a City of Crete email address to online forums, social media, or any other message posting system shall be made only when related to City of Crete business and only when approved by the Department Head, City Administrator, or Mayor. All social media sites, forums, and posting boards that are created, owned, operated, and/or updated by city employees while on duty or representing the City of Crete, shall be governed by the terms set forth by the Crete City Council.

All devices used by the employee that are connected to the City of Crete Internet/Intranet/Extranet, whether owned by the employee or the City of Crete, shall be continually executing approved virus-scanning software with a current virus database.
Employees must use extreme caution when opening e-mail attachments, which may contain viruses, e-mail bombs, malware, spyware, or Trojan horse code.

F. Unacceptable Use

The following activities are prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a device if that device is disrupting production services).

Under no circumstances is an employee of the City of Crete authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing City of Crete-owned resources. Certain features of the internet such as streaming media, radio or music stations can clog the City's network and e-mail system and should be used only for work-related purposes.

Internet usage should not interfere with an employee's or co-worker's work in either time or network bandwidth.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

G. System and Network Activities

The following activities are strictly prohibited, with no exceptions:

- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the City of Crete.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
- The intentional introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, spyware, malware, etc.).
- Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
- Using a City of Crete computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
- Making fraudulent offers of products, items, or services originating from any City of Crete account.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- Port scanning or security scanning is expressly prohibited unless prior notification to IT is made.
- Executing any form of network monitoring which will intercept data not intended for the employee's device, unless this activity is a part of the employee's normal job/duty.
- Circumventing user authentication or security of any device, network or account.
- Providing information about, or lists of, City of Crete employees to parties outside the City of Crete, unless this activity is part of the employee's approved job duties.

H. E-mail and Communications Activities

The following activities are strictly prohibited, with no exceptions:

- Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (e-mail spam). Creating or forwarding "chain letters", "jokes", "Ponzi" or other non-related work items of any type.

- Any form of harassment via e-mail, telephone or paging, whether through language, frequency, or size of messages.
- Unauthorized use, or forging, of e-mail header information.
- Solicitation of e-mail for any other e-mail address, other than that of the poster's account, with the intent to harass or to collect replies.
- Use of unsolicited e-mail originating from within the City of Crete's networks or other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the City or connected via the City's network.
- Use of e-mail accounts other than city issued accounts. Third party e-mail accounts such as Yahoo Mail, Gmail, and Hotmail accounts are prohibited unless there is a business reason for its use, for example law enforcement investigations.
- Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam), online forums, electronic bulletin boards or any other similar message posting system.
- Sending broadcast e-mails to all employees within the city email system unless used for notice or critical information dissemination. Use of broadcast e-mails i.e., "city-all" is reserved for administration and Department Head use. Department staff may utilize broadcast e-mails only with the permission of the Department Head, City Administrator, or the Mayor.

I. Social Media

The City shall use social media to project positive themes and provide timely and accurate information to benefit those both in and outside of our community and interested in Crete's future. The purpose of this policy regarding Social Media and Social Networking Activities is to guide and direct those employees who are accountable for lawfully and appropriately representing the City through social media. Working together, City employees will not only represent their respective departments but, more importantly, blend their professional experiences, training and skills to coordinate, integrate and unify messages and images to support City interests. This policy covers all forms of and technology used for all Social Media and Social Networking Activities, both currently existing and any that may be developed in the future.

1. City Owned and Maintained Accounts
    a. Employee Access
        - Any employee authorized to post items on any of the City's social media sites shall review, be familiar with, and comply with the Social Media Policy.
        - Any employee authorized to post items on any of the City's social media sites shall not express his/her own personal views or concerns through such postings. Instead, postings on any of the City's social media sites by an authorized City Employee shall only reflect the views of the City.
        - City employees granted permission to use the City websites, social media pages, or engage in social networking activities are responsible for complying with applicable federal, state, and city laws, ordinances, regulations, and policies.
        - City employees posting content must ensure their posting does not violate the City's privacy, confidentiality, and applicable legal guidelines. They must ensure they have the legal right to publish all materials, including photos and articles pulled from other sites.

- Confidential or proprietary information or similar information of third parties who have shared such information with the City of Crete should not be shared on social media.
- City employees may not post to City websites or social media pages or engage in social networking activities related to the City during personal time, unless otherwise specifically authorized by the City Administrator and their Department Head.
- Employees representing the City of Crete via social media must conduct themselves at all times as representatives of the City. Employees that fail to conduct themselves in an appropriate manner may be subject to disciplinary action. The City Administrator or his/her designees will determine how employees must identify themselves when participating in a City of Crete social media forum.

b. Site Setup
- The City reserves the right to remove any content from its social media sites at any time.
- The City's social media site serves as an online information source focused on City issues, projects, news and events, and is not intended as a public forum.
- The establishment and use of social media sites are subject to approval by the City Administrator or his/her designee. All City social media sites shall be administered by the City Administrator or his/her designee. They will monitor the content on the City's social media sites to ensure the site meets with both the City's social media policy and the interest and goals of the City of Crete.
- The social media site(s) will be maintained by the City of Crete and follow the City's social media policy.
- City social media sites, where possible, should link back to the City's official website for forms, documents, online services, and other information.

c. Use and Content
- The City's social media sites content shall only pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks. ·
- Department Heads as directed by the City Administrator are responsible for the compliance with the provisions of this policy by City Employees under such Department Head's supervision and for investigating non-compliance.
- Suspension of a City Employee's internet access may occur when deemed necessary to maintain the operation and integrity of the City's internal network, or if a City Employee has violated this policy.
- Internet user account and password access may be withdrawn without notice.
- Lack of adherence to this policy may result in disciplinary action up to and including termination.
- If a City Employee violates any applicable laws, the City may pursue criminal or civil action against the City Employee.
- All information posted or created for the City's social media sites will become the exclusive property of the City of Crete.

d. Security
- The City reserves the right to deny access to the City's social media sites for any person who violates the City's social media policy at any time without prior notice.

- The City reserves the right to terminate any City social media site at any time without prior notice.
- All city department social media pages, created previously or in the future, must attach to and be representative of the City's main account with an approved department page name and must use a City-assigned email account and password for log-in access. Separate department social media pages previously created will invite and grant the City Administrator to administrative access of the page. A list of all City employees having access to the log-in and password must be submitted to the City Administrator.

e. Citizen Conduct
   - The City reserves the right to restrict or remove any content that is deemed in violation of the City's social media policy or any applicable law.
   - A comment posted by a member of the public on any City social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of or agreement by the City nor do such comments necessarily reflect the opinion or policies of the City.
   - Comment on topics or issues not within the jurisdictional purview of the City may be removed.
   - Comments containing any of the following inappropriate forms of content shall not be permitted on the City's social media sites and are subject to removal and/or restriction by the City Administrator or his/her designee:
     - Comments not related to the original topic
     - Profane, obscene, violent, or pornographic content and/or language
     - Content that promotes discrimination on the basis of race creed, color age religion, gender, or national origin
     - Defamatory or personal attacks
     - Encouragement in illegal activities
     - Conduct in violation of any federal state, or local law
     - Comments in support of or in opposition to any political campaign or ballot measure
     - Violates the legal ownership interest of another party
     - Promotes commercial services or products

2. Personally Owned and Maintained Accounts
   - Use of City technology and equipment (including computer, internet, and City issued cell phones) to access personal social media websites, accounts, or other related personal material, except for de Minimis use, shall be prohibited during work hours.
   - Employees shall have no right to privacy for any matter passed through, viewed, downloaded, printed, created, stored, received, sent, or otherwise transmitted from City technology and equipment.
   - Internet and social media information in the public domain may be considered in employee personnel issues.
   - Please remember to be respectful of others and avoid posts which could be viewed as malicious, obscene, threatening, or intimidating.
   - City Employees and Management shall not request or require access to employee or applicant password protected personal internet accounts (including personal social media accounts).

- Employees shall not disclose confidential information on personal social media accounts website, or other online forums. Disclosure of information by the City of Crete shall be regulated by the City of Crete Public Records Policy.
- Misuse of Employer property, software, and social media accounts may subject the employee to discipline.

J. Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Sec. 3.17 TELEPHONE USAGE

Personal long-distance telephone calls on landlines are prohibited when charged to the City of Crete unless prior approval from the Department Head is obtained to reimburse the City.

An allowance is made for telephone calls charged to their parties, such as:

- Calling card
- Charged to your home phone
- Collect call

The telephone calls authorized by this allowance are still restricted by departmental polices. Personal directory assistance calls are allowed when charged to the employee's personal calling card.

Cellular phones should be used in a manner that is not disruptive in the workplace. Personal calls will be prohibited except with urgent personal business or the exception will be made at the discretion of the Department Head.

Sec. 3.18 POLITICAL ACTIVITY

City employees may not interfere or use the influence of their office for political reasons. They shall not participate in any political activity during normal working hours or when otherwise engaged in the performance of official duties. No employee shall engage in any political activity while wearing a uniform required by the City. An employee may not represent themselves as an employee of the City while being involved in an outside political activity.

Employees in certain departments will be additionally restricted due to funding of that department through state and federal funds. Employees are urged to contact their Department Head to determine the degree of political involvement allowed.

Employees may not be dismissed or disciplined because they refuse to make a contribution to a political organization.

City employees may not be a candidate or be elected to the office of Mayor or City Council while employed by the City.

Sec. 3.19 EMPLOYEE ORGANIZATIONS

City employees have the right to choose whether they wish to belong to employee organizations. No employee may be reprimanded, threatened, or discriminated against because the employee elects to join or refrain from belonging to an employee organization.

Sec. 3.20 SAFETY AND RISK MANAGEMENT

It is the goal of the City of Crete to provide a safe and healthful workplace for all employees. The city's policy is aimed at minimizing exposure to health or safety risks of employees and visitors at the City's facilities.

In order to accomplish this, each employee is expected to obey safety rules and to exercise caution in all work activities. Employees shall immediately report any unsafe condition to their supervisor. Employees that violate safety standards, who cause hazardous or dangerous situations, or who fail to report or where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees shall immediately notify their supervisor. Such reports are necessary to comply with laws and initiate worker's compensation benefits.

The City has safety committees comprised of employees and management to help ensure a safe and healthful workplace. In addition to departmental safety committees, the City shall maintain a Risk Management Committee that is comprised of members that represent and act as liaisons between the different departments of the City. This committee is responsible for the coordination of all citywide safety activities, analysis of citywide accident trends, and recommending procedures that may improve safety in the departments.

Sec. 3.21 WORKER'S COMPENSATION

The City of Crete will comply fully with the Worker's Compensation Program that has been established under State statute.

When accidents occur at work, they shall be reported immediately to the supervisor and the appropriate paperwork filled out at that time and sent into the Human Resource Office. A supervisor must have prior knowledge and approve a doctor's visit, except in an emergency a doctor's report may be required to substantiate the injury.

Vacation and Sick Leave benefits will continue to accrue during Worker's Compensation.

The City may provide light duty work, when possible, for a defined period of time for employees that are injured due to a work-related situation, if the light duty work satisfies a legitimate business need as determined by the City.

Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's FMLA entitlement

Sec. 3.22 REIMBURSABLE BUSINESS TRAVEL EXPENSES

The City will follow the provisions of State Statute, as revised; commonly known as the "Miscellaneous Expenditures Act" in determining reimbursable expenses.

Internal Revenue Service (IRS) rates will be used for reimbursement for mileage. All other expenses will be paid at the actual cost only on receipt of the original itemized invoice.

The following procedures shall be used for business travel:

A. Transportation Method

- When travel is by air, advance ticketing by purchase order will be utilized whenever possible, to obtain the lowest available coach fare.
- All refunds, travel coupons, and other promotions in connection with business travel shall be returned to the City.
- When ground travel is required, City vehicles shall be used whenever possible.

B. Lodging

- Reimbursement for non-commercial lodging is not permitted.
- When personnel are accompanied by non-City personnel, only the costs attributed to the City personnel are reimbursable.

C. Expenses

- The following expenses are reimbursable upon affidavit of expenditure and receipts are not required: parking fees, taxi, and bus fares, and highway tolls.
- The following expenses are reimbursable upon submission of paid receipts:
  - Registration, tuition, and fees for official functions related to the travel;
  - Supplies or equipment required for travel or training;
  - Rental cars;
  - Traveler's checks fees; and,
  - Reasonable meals costs, plus tip up to 20%
- The following expenses are not reimbursable:
  - Entertainment, including television rentals, VCR, or DVD;
  - Personal expenses, e.g., hygiene items, magazines;
  - Travel insurance; and,
  - Alcoholic beverages.

D. Travel Advances. Travel advances are not authorized, except under special circumstances with written prior approval of the Department Head and Finance Director. The use of credit cards and advance purchase order payment of lodging and transportation expenses are encouraged.

E. Expense Claims. Personnel on authorized travel must submit expense claims to their Department Head for review and submittal to the Business Office immediately upon return, but not later than four (4) working days after return to duty. All receipts, unexpended City funds, and funds due the City shall be returned at that time. All expenses (including prepaid expenses) shall be summarized and accounted for.

Any employee desiring to attend a meeting, conference, seminar, or other official out-of-state event for a duration of more than one day shall obtain the approval of their supervisor, Department Head, and City Administrator or Mayor.

Sec. 3.23 ALLOWABLE INTERVIEW AND RELOCATION EXPENSES

After advance approval has been received by the Mayor, interview expenses may be paid by the City of Crete for the recruitment of personnel.

Interview expenses, including meals, overnight accommodations, and transportation may be provided, subject to the approval of the Mayor.

Reasonable relocation expenses may be provided to new personnel for moving. Relocation expenses shall be based on actual expenses documented by itemized expense claims. Expenses related to the spouse for relocation may be permitted. All relocation expenses shall be approved by the City Council at an amount determined by the City Council prior to the expenditure.

Sec. 3.24 MISCELLANIOUS EXPENDITURES

All expenditures of the City shall be made in accordance with State Statute and current Purchase Policy as amended from time to time and approved by the City Council.

Purchases of less than ten dollars ($10.00) not made through direct bill or purchase cards, should be made through petty cash reimbursement with proper receipts.

CHAPTER FOUR

LEAVE POLICIES

Full-time employees qualify for the following leave. Regular part-time employees that work on a schedule of less than 40 but more than 30 shall receive the following leave on a prorated basis.

Sec. 4.01 LEAVE

The following types of leave are established and shall apply to all eligible employees covered by these rules and regulations:

4.02 Paid Holidays
4.03 Vacation
4.04 Sick Leave
4.05 Family Medical Leave
4.06 Bereavement Leave
4.07 Jury Leave
4.08 Military Leave
4.09 Accident Leave
4.10 Leave of Absence

All departments shall maintain a record of each employee accounting for time worked. All types of leave used shall be documented on an Absence Report form as provided by the City Clerk's Office. The City Clerk's Office is responsible for keeping track of all leave banks for the employees within all departments. The records should reflect hours earned, used, and unused.

Sec. 4.02 PAID HOLIDAYS

The City recognizes the following holidays as paid holidays and the dates that they will be observed on:

- New Year's Day, January 1
- Martin Luther King Jr. Day, Third Monday in January
- President's Day, Third Monday in February
- Spring Holiday, Monday after Easter
- Memorial Day, Last Monday in May
- Juneteenth Day, June 19
- Independence Day, July 4
- Labor Day, First Monday in September
- Veteran's Day, November 11
- Thanksgiving Day, Fourth Thursday in November
- Day after Thanksgiving Day, Fourth Friday in November
- Christmas Eve, December 24 beginning at 12:00 PM
- Christmas Day, December 25

When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. When Christmas Eve falls on a Friday, it will be observed on Thursday. When Christmas Eve falls on a Sunday, it will be observed on Friday.

The Mayor with City Council approval may designate such special holidays as circumstances merit.

Non-exempt regular full-time and part-time employees who are required to work on a holiday will be granted overtime pay at time and 1/2 for the time period worked.

Regular part-time employees, who work an average of at least 30 hours per week, will be eligible for paid holidays on a prorated basis.

Temporary/Seasonal employees are not eligible for paid holidays, and if required to work on a holiday will be paid for the time worked at their normal rate of pay.

If a holiday occurs while an employee is on Worker's Compensation or other disability compensation, no credit for the holiday will be allowed. In order to receive pay for an observed holiday, an employee must not have any leave that hasn't been preapproved for the workday immediately preceding or immediately following the holiday unless explicitly excused by his/her department head or the city administrator.

Sec. 4.03 VACATION

Vacation leave shall be used in not less than one-half hour increments.

All regular full-time employees are eligible to take vacation leave as it is earned. Vacation shall be earned in prorated bi-weekly increments of the total annual accrual rate below:

- Years 0 through 10 4.61 hours per pay period
- Years 11 through 20 6.15 hours per pay period
- Year 21 and beyond 7.68 hours per pay period

Regular part-time employees scheduled to work thirty (30) or more hours per week will accrue vacation at a prorated amount based on the average hours worked.

Temporary/seasonal employees are not eligible for earned vacation leave.

Department Heads will make every effort to grant requested vacation time; however, it must be approved in advance and will be granted on the basis of work requirements of the department. Seniority will be considered when scheduling vacations within the department.

Each employee is encouraged to take a period of vacation that allows him or her to be away from the workplace for a minimum of five consecutive workdays. Holidays, which occur during an employee's vacation, do not count as vacation time.

MAXIMUM BANK

Vacation leave maximum accumulation is 280 hours. If the total amount of unused vacation leave reaches the maximum allowed, vacation accrual shall stop. When the employee uses paid vacation and brings the maximum allowable accumulation below the cap, vacation accrual will begin again.

TRANSFERS

When an employee transfers from one department to another in the City Personnel System, his/her vacation accrual will be transferred to the new department. Transfers made for the convenience of the employee will result in loss of preference in the scheduling of vacation time.

PAYMENT FOR VACATION TIME NOT TAKEN

Upon termination, employees will be paid for all unused accrued vacation. In the event of the death of an employee, payment will be made to the employee's beneficiary or estate for all unused accrued vacation time.

ADVANCE NOTIFICATION

Vacation shall be scheduled in advance with the direct supervisor and approved by the Department Head.

Sec. 4.04 SICK LEAVE

BENEFIT:

Employees will be provided with 96 hours of sick leave at the start of each calendar year. Newly hired employees will be provided with a prorated amount based on hire date. Employees may accumulate up to 991 hours of sick leave. Employees shall not accrue any sick leave beyond 991 hours.

Regular part-time status employees working thirty (30) or more hours per week will accrue sick leave at a prorated amount based on the scheduled hours worked. Temporary/seasonal employees are not eligible for sick leave.

Employees shall not be paid for any accrued sick leave upon termination of employment, unless otherwise specified in these policies.

REPORTING OF ABSENCE FOR ILLNESS

In the event that an employee is absent from work, for reasons that entitle the employee to use the sick time leave bank, the employee is responsible for notifying his/her supervisor at least 30 minutes prior to duty time. If the employee fails to notify his/her supervisor or the person designated to receive such calls, no time bank leave will be approved, except in unusual circumstances to be determined by the Department Head.

Upon return to work, the employee shall submit an Absence Report Request online form as provided in these rules.

INVESTIGATION OF USE OF MEDICAL LEAVE

Department Heads may investigate the alleged illness of an employee absent on sick leave due to illness. False or fraudulent use of sick leave may be cause for disciplinary action and may result in termination of employment.

MEDICAL STATEMENT

An employee who is absent on sick leave for more than three consecutive days because of an illness of his/her own or that of an immediate family member, will be required to furnish a statement signed by the attending physician or other proof of illness satisfactory to the Department Head before returning to work.

PAYOUT AT RETIREMENT

Accrued sick leave will be paid out to the employee upon death or retirement (age set forth in the pension documents) for 1/3 the value of the accrued leave at the employee's current rate of pay.

Sec. 4.05 FAMILY/MEDICAL LEAVE POLICY

FMLA Policy
It is the policy of the City of Crete to grant up to 12 workweeks of unpaid, job-protected family/medical leave during a 12-month period to eligible employees.

The City of Crete will also grant up to 26 workweeks of unpaid leave during a 12-month period to eligible employees if caring for a covered military service member or veteran and up to 12 workweeks of unpaid leave during a 12-month period for qualifying exigencies arising out of the fact that an employee's spouse, son, daughter or parent is on active duty or has been called to active military duty.

This policy is intended to comply with all state and federal laws governing such leave, including the Family and Medical Leave Act, as amended, and is designed to safeguard employee privacy rights to the fullest extent of the law [this policy is intended to cover illnesses of a serious and/or long-term nature as defined by law; see "Sick Leave" Policy for short-term health-related leaves of absence and corresponding eligibility].

Leave Entitlement
An employee requesting to use family/medical leave must:

- Have a qualifying reason to use family/medical leave (see "Qualifying Reasons for Leave" below); and
- Have worked for the City of Crete for at least 12 months (or 52 weeks); and
- Have worked at least 1,250 hours during the 12-month period prior to the commencement of the leave; and
- Be employed at a work site that has 50 or more employees within a 75-mile radius.

Calculation of Leave
When eligible employees take family/medical leave, the City of Crete shall use the "forward measurement" calculation to track leave. The definition of "forward measurement" means the 12-

month period measured forward from the date an employee's first FMLA leave begins.

Example:

John first uses family/medical leave from September 1-15, 2007 (a total of 2 weeks leave). Consequently, ifqualified, John is eligible for an additional 10 weeks of family/medical leave between September 16, 2007, and August 31, 2008. John is again eligible for 12 weeks of family/medical leave starting September 1, 2008, contingent upon qualifying reasons for the requested leave. If it has been more than 12 months since John took family/medical leave after the September 1-15, 2007, period, a new forward measurement period will begin once family/medical leave is commenced in the future.

Exception: "Covered service member leave" starts the day the leave begins and is calculated using a different 12-month period than what is described above. An employee may have a qualifying FMLA event (e.g., leave for surgery) that is calculated on one forward measurement year and a qualified covered service member leave event that is calculated on a different forward measurement year. (Only 12 of the 26 weeks total may be for an FMLA-qualifying reason other than to care for a covered service member.)

Use of Employee Accrued Leave Banks

The City of Crete requires employees to use accrued paid sick, comp time, and holiday leave when taking family/medical leave. An employee must use all accrued leave except vacation from his or her leave bank while on family/medical leave. Leave shall be drawn from his/her time bank in this order: sick, comp time, holiday, and vacation, except when employee chooses to use Short-Term and/or Long-Term Disability plan benefits, then accrued leave banks will be used according to the plan provider's specifications. If an employee exhausts all accrued sick, comp time, and holiday leave, then the balance of the 12-week family/medical leave period will be unpaid leave, unless the employee chooses to draw upon their vacation leave at his/her option. Once all vacation leave is exhausted or the employee chooses not to utilize vacation leave, then the balance of the 12-week family/medical leave period will be unpaid leave. An employee's use of paid leave for family/medical leave does not extend the 12-week family/medical leave period (or 26-week period for covered service member leave).

Qualifying Reasons for Leave

Employees may use family/medical leave for any of the following reasons:

- The birth of a child, including the care and bonding for such child. Leave must be completed within the 12-month period beginning on the date of birth.
- The placement of a child for adoption or foster care and in order to care for and bond with the newly placed child. Leave must be completed within the 12-month period beginning on the date of placement.
- To care for a spouse, child, or parent with a serious health condition.
- To care for the employee's own serious health condition.
- To care for a spouse, son or daughter, or parent who has a qualifying exigency arising out of the fact that he or she is deployed to a foreign country in a regular component of the Armed Forces or is in the National Guard or Reserves and is on active duty (or has been called to active-duty status), in support of a contingency operation.
- To care for a spouse, son/daughter, or parent because the employee is the next of kin of a covered service member with a serious injury or illness

Requests for leave as described above will be based on competent medical advice and/or other

documentation in compliance with applicable law.

Requesting Family/Medical Leave

Providing Sufficient Advance Notice: When the need for leave is foreseeable, an employee is to provide his/her supervisor with at least 30 calendar days' notice, using the City of Crete's "Request for Leave of Absence" form." Failure to provide such notice may be grounds for delay of leave. In situations involving serious health conditions, the employee is to work with his/her supervisor to schedule the leave in a way to avoid disruption of the City of Crete's operations as much as possible. Eligibility for requested leaves of absence will be determined initially by Human Resources and modified as necessary during the leave.

Emergency or Unforeseeable Notice: Where the need for the leave is either unforeseeable or where it is impossible for the employee to provide 30 days' calendar notice, he/she is to provide their supervisor with as much notice as practical (within one to two business days of learning of the need for leave except in extraordinary circumstances). If an employee is personally unable to notify his/her supervisor that medical leave is needed, notice may be given by the employee's designated representative.

Certification for Leave

Initial Certification Documentation: At its discretion, the City of Crete may require certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent, or for qualifying exigency. Applicable forms to support eligibility will be provided to the employee by Human Resources and must include the following:

- For the employee's own medical leave, the certification must include the reason why the employee is unable to perform the essential functions of his/her position.
- For leave to care for a seriously ill child, spouse, or parent, the certification must support need for care.
- For leave to care for a spouse, son or daughter, or parent who has a qualifying exigency arising out of the fact that he or she is on active duty or has been called to active-duty status in the military, the certification must include the reason(s) related to the qualifying exigency.
- For leave to care for a spouse, son/daughter, or parent because the employee is the next of kin of a covered service member with a serious injury or illness, the certification must support need for care.

Follow-up Certification Documentation: At its discretion during the employee's leave, the City of Crete may require an employee to submit documentation and other information regarding the current status of the reasons for the leave, including the employee's health care provider's best estimate of the expected return from the leave. Failure to provide requested information within 15 calendar days, except in extraordinary circumstances, either for initial or follow-up certification status, may result in a denial/delay of leave until documentation is provided.

Additional Medical Opinions: Additional medical opinions may be required should the City of Crete have reasonable doubts regarding the medical certification provided. The City of Crete will pay for any such additional opinions. If the second health care provider's opinion conflicts with the original medical certification, the City of Crete, at its expense, may require a third, mutually

agreeable, health care provider to conduct an examination and provide a final binding opinion.

Second and third opinions and recertification(s) are expressly prohibited for leave to care for a covered Service member.

Workers' Compensation Absences
If an employee is absent due to an injury for which the employee is receiving workers' compensation, the period of FMLA leave will run concurrently with the workers' compensation absence.

Intermittent and Reduced-Schedule Leave
If medically necessary for a serious health condition of the employee or his/her spouse, child, or parent, 12 weeks of the unpaid leave may be taken on an intermittent or reduced leave schedule (26 weeks if for qualifying military caretaker leave). If requested on this basis, the City of Crete may require the employee to temporarily transfer to an alternative position (or part-time schedule), provided that the position has equivalent pay and benefits (on an hour) basis.

Any employee may request to take intermittent leave for the birth, or placement of his/her child for adoption or foster care, including the care and bonding for such child, up to 12 weeks after birth, adoption, or foster care placement, contingent upon supervisor approval.

Maintenance of Benefits / Job Restoration
Health Insurance: During an approved family/medical leave, the City of Crete will maintain the employee's group insurance benefits as if he/she were actively employed. Included in group insurance benefits are:

- Health coverage, including dental and vision
- Group Term Life
- Long-term Disability
- Short-term Disability

For group insurance premiums normally paid by the employee, the employee will pay for the same portion of the group insurance premium that was required prior to the employee taking leave, according to the following:

a) **If Paid Leave is Available:** If paid leave is substituted for unpaid family/medical leave, the City of Crete will deduct the employee's portion of the group plan premium as a regular payroll deduction.
b) **If Paid Leave is Not Available:** If the family/medical leave is unpaid, the employee will have two options to pay group insurance premiums:
    1) Have additional payroll deductions made in advance of or following the leave; or
    2) Pay his/her portion of the premium by personal check, due by the first business day of the month for the month that the coverage applies. Group insurance coverage may cease if the employee's premium payment is more than 30 days late.

Retirement: During an approved family/medical leave, the City of Crete will maintain the employee's retirement benefits as if he/she were actively employed for purposes of vesting, eligibility status, and employee contributions (based on the employee's gross salary earnings

during any period of paid leave).

If the employee is on unpaid family/medical leave, employee/employer contributions to his/her retirement plan will cease and subsequently resume after return to work.

Employee Medical/Child Care Flex Plan (Section 125 Plan): If the employee participates in a Section 125 Plan and will be on unpaid family/medical leave, he/she will have three options to continue participation in this plan:

a) Have additional payroll deductions made in advance of the leave; or
b) Pay by personal check on the first business day of the month the amount that would have been deducted from his/her payroll while working; or
c) May suspend and adjust annual plan amount, as long as it is consistent with previous election and spending.

Other Deductions: If the employee participates in other benefits normally processed through payroll deductions, these will be handled as agreed upon with Human Resources.

If Employee Does Not Return to Work: If an employee elects not to return to work for at least 30 calendar days at the end of his/her leave period, he/she will be required to reimburse the City of Crete for the cost of the premium(s) paid by the City of Crete for maintaining coverage during the family/medical leave period, unless the employee was not able to return to work because of a serious health condition or other circumstances beyond his/her control.

Accruing Leave: Employees accrue vacation, sick, and holiday leave according to normal accrual policies.

Seniority Status (Length of Employment Service): An employee is entitled to the same level of seniority held when he/she went on leave and is entitled to continue to receive credit for time worked during the period of the leave.

Pay Increases: Employees on paid leave are eligible to receive their annual merit increase if it is feasible for the employee and supervisor to meet to discuss the annual performance review. In such situations where this is not feasible due to the employee's medical condition or other obligations, the merit increase will be retroactive to the date the employee should have received the increase once the employee returns to work.

Employees on family/medical leave who are currently on an introductory period are not eligible to receive pay increases until the employee has physically been at work to complete his/her required introductory period.

Restoration to Former or Equivalent Position

Upon return to work from an approved family/medical leave, the City of Crete will make every effort to place an employee in his/her former position or a position equivalent to the one held when the employee began the leave, subject to any extenuating circumstances which may occur to the City of Crete's operations during the leave and which would have affected the employee had he/she not been on leave. Upon return from an approved family/medical leave, the City of Crete will

reinstate the employee's credited service and other aspects of employment consistent with the law.

Reasons for Termination/Deny Reinstatement by City of Crete
Lack of Notice by Employee: If an employee works at another job during the leave without prior written approval by the City of Crete, the City will deem that the employee has resigned his/her position and terminate his/her employment.

Failure to Return to Work: Similarly, if an employee fails to return from a leave on the agreed-upon date, except for reasons beyond his/her control, the City of Crete, after making a reasonable attempt to contact the employee, will deem that that the employee resigned and terminate his/her employment.

Key Employees: Highly compensated employees (highest-paid 10 percent of employees at a work site or within a 75-mile radius of the work site) may not be returned to their former or equivalent position following a leave, if restoration of employment will cause substantial economic injury to the City of Crete. The City of Crete will notify an employee that he/she qualifies as a "highly compensated" employee if the City intends to deny reinstatement, including employee rights.

Other: The City of Crete may terminate or deny reinstatement of employment for other reasons in accordance with applicable state and federal law, including but not limited to:

- Employee fails to provide fitness-for-duty medical certification.
- The City of Crete can demonstrate employee would not have remained employed if leave had not been taken.
- Employee unequivocally advises of his/her intent not to return to work.
- Employee fraudulently obtains leave.

Maintenance of Family/Medical Leave Records
Information related to an employee's family/medical leave will be used solely as part of the leave approval and monitoring process and kept strictly confidential by the Human Resources. Related records will be filed separately from an employee's main personnel file and may only be accessed on a need-to-know basis with permission from the City Administrator. The City shall make, keep, and preserve records pertaining to its obligations under the Family and Medical Leave Act in accordance with the recordkeeping requirements of the Fair Labor Standards Act (FLSA).

Nondiscrimination/Non-retaliation Statement
The City of Crete will not (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) terminate or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) terminate or discriminate against any person for his/her involvement in any proceeding under or relating to the FMLA.

Definitions Under FMLA Law (applies only to definitions under this FMLA policy)
Employee eligibility and reasons for eligibility, for family/medical leave are determined using with the following definitions:

- **Child –** Birth through 17 years of age unless he/she is "incapable of self-care" because of mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission

(EEOC) under the Americans With Disabilities Act (ADA). Child can mean biological, adopted, foster child, and stepchild.

- **Employee –** Applies to male or female workers.
- **Married Employees –** When a married couple is employed by the City of Crete, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period for reasons 1, 2, or 3 in "Qualifying Reasons for Leave."
- **Next of Kin –** Nearest blood relative, unless another blood relative is designated in writing.
- **Parent of Child** – Where there is no legal or biological relationship between child and adult, the adult will qualify as "parent of child" according to the above "child" definition when the adult stands in loco parentis (acts in the capacity of parent to child).
- **Parent of Employee –** Biologically related to employee, adoptive parent of employee, or in loco parentis (acted in the capacity of a parent to the employee when the employee was a child).
- **Serious Health Condition -** The City of Crete will grant leave for any condition defined as a "serious health condition" under the federal Family and Medical Leave Act and/or any applicable state law. This means an illness, injury, impairment, or physical or mental condition that involves either:
  1. Inpatient care in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
  2. Continuing treatment by a health care provider, which includes:
     a. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
        i. treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
        ii. one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy)
     b. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
     c. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
     d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
     e. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.
- **Service member Caregiver Leave –** Caring for a covered military service member or veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred any time during the five (5) years preceding the date of treatment that:
  a) Was suffered while on active duty in the armed forces,

b) Existed before the beginning of the member's active duty and was aggravated by service, or
c) Manifested itself before or after the member became a veteran.

- **Son/Daughter** – The definition for "son/daughter" only pertains to qualifying exigency and covered service member leave and should not be confused with the definition for "child" as described above.
- **Spouse –** Husband or wife as defined or recognized under state law for purposes of marriage.
- **Qualifying Exigency** – This includes one or more of the eight events as follows:
- **Short-notice deployment:** To address any issue that arises from the fact that a covered military member is notified of an impending call or order to covered active duty 7 or less calendar days before the date of deployment. Leave taken for this purpose can be used for a period of 7 calendar days beginning on the date a covered military member is notified of an impending call or order to covered active duty.
- **Military events and related activities:** To attend any official ceremony, program, or event sponsored by the military that is related to the call to active duty. To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the call to duty.
- **Childcare and school activities:** To arrange for alternative childcare. To provide childcare for a covered child on an urgent, immediate-need basis (but not on a routine regular, or everyday basis). To enroll in or transfer to a new school or daycare facility. To attend meetings with staff at a school or daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a covered child.
- **Financial and legal arrangements:** To make or update financial or legal arrangements to address the covered military member's absence (such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, obtaining military identification cards, or preparing or updating a will). To act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on covered active duty or call to covered active-duty status and for a period of 90 days following the termination of the covered military member's active-duty status.
- **Counseling:** To attend counseling provided by someone other than a healthcare provider for oneself, for the covered military member, or for a covered child provided that the need for counseling arises from the call to duty.
- **Rest and recuperation:** To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment.
- **Post-deployment activities:** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member's active-duty status. To address issues that arise from the death of a covered military member and making funeral arrangements.
- **Additional activities:** To address other events that arise out of the covered military member's covered active duty or call to covered active-duty status provided that the employer and employee agree that such leave qualifies as an exigency and agree to both the timing and duration of such leave.

Worksite Nursing Mothers Policy

The Patient Protection and Affordable Care Act ("Affordable Care Act") amended section 7 of the Fair Labor Standards Act ("FLSA") to require employers to provide a reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. The City of Crete subscribes to the following policy:

1. **Employee Notification to Supervisor**
   An employee who has a child up to one year of age shall notify their immediate supervisor that they would like to express their breast milk during work hours.
2. **Employees shall be provided a place to express breast milk.**
   A private space (not a toilet stall or restroom) will be available for an employee to express milk using a breast pump. The space will have:
   a. Electrical outlet
   b. Table and chair
   c. Nearby sink for washing hands and rinsing pump parts
   d. A lock on the door

   Employees may use their private office area for milk expression, if applicable. The supervisor shall notify the employee of the area designated to express breast milk. The supervisor shall have the assistance of the City Council in designating the location, if needed.
3. **A refrigerator will be available for safe storage of expressed breast milk.**
   Employees may temporarily store their breast milk on the premises. A refrigerator will be available for safe storage of breast milk. Employees should provide their own containers, clearly labeled with name and date. Employees may store milk in their own cooler/ ice chest. Employees using the refrigerator are responsible for keeping it clean.
4. **Flexible breaks to accommodate milk expression.**
   A breastfeeding employee shall be provided a flexible schedule for expressing breast milk for the child. A flexible schedule shall include consideration for the frequency of breaks and duration of each break for each time the employee needs to express the milk. Any paid break time shall not exceed 15 minutes for a break. If additional time is needed (above and beyond break time), the supervisor and employee shall coordinate a plan which may include the employee using vacation time, coming into work earlier, or leaving later.
5. **Coworkers are expected to provide support for breastfeeding employees.**
   Coworkers of the breastfeeding employee shall provide an atmosphere of support for breastfeeding employees.
6. **Notification to new and current employees**
   The Nursing Mothers Policy will be communicated to current staff and new employees via the Employee handbook.
7. **Applicability**
   The Nursing Mothers Policy will be applicable to exempt and non-exempt employees.

Sec. 4.06 BEREAVEMENT LEAVE

Employees who wish to take time off due to the death of an *immediate family member* should notify their supervisor immediately. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements.

Up to three days of paid bereavement leave will be provided to eligible employees in the following classification(s):

Regular status full-time employees

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation. Employee may, with their supervisor's approval, use any available paid time-bank leave for additional time off as necessary.

Regular status full-time employees who wish to take time off due to the death of a *secondary family member*, are eligible for one day of paid bereavement leave, with supervisor's approval.

Employees are allowed up to four hours of bereavement leave to attend the funeral of a fellow regular status employee or retiree of the City, provided such absence from duty will not interfere with normal operation of the City.

Sec. 4.07 JURY LEAVE

The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required.

Employees called to jury duty or subpoenaed as a witness while on duty may keep that portion of jury pay or witness fees which is for transportation and meal expenses and turn the balance in to the City Clerk. Jury/Witness duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

Regular status full-time employees

In order to receive compensation, employees shall provide the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in City's judgment, the employee's absence would create serious operational difficulties.

Sec. 4.08 MILITARY LEAVE

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Nebraska law.

EMPLOYEE MILITARY LEAVE

LEAVE ENTITLEMENT

For active training duty, duty with troops, or at field exercises, all employees of the City ofCrete, including elected officials, who shall be members of the National Guard of Nebraska, the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve, shall be entitled to a leave of absence from their respective duties, without loss of pay, as set forth below, in all competent authority, or active training duty, or duty with troops or at field exercises or for instructions.

- Employees who normally work or are normally scheduled to work one hundred twenty hours or more in three consecutive weeks shall receive a military leave of absence of one hundred sixty hours each calendar year (20 days).
- Employees who normally work or are normally scheduled to work less than one hundred twenty hours in three consecutive weeks shall receive a military leave of absence each calendar year equal to the number of hours they normally work or would normally be scheduled to work, whichever is greater, in three consecutive weeks.

Such military leave of absence may be taken in hourly increments and shall be in addition to the regular annual leave of the employee.

When the Governor of this state declares that a state of emergency exists and any of the persons named in this section are ordered to active service of the state, a state of emergency leave of absence will be granted until such member is released from active service of the state by competent authority. A military leave of absence shall not be used during a state of emergency declared by the Governor. Other forms of leave may be granted. During a state of emergency leave of absence because of the call of the Governor, any official or employee subject to this section shall receive his or her normal salary or compensation minus the state active-duty base pay he or she receives in active service of the state. Governmental officers serving a term of office shall receive their compensation as provided by law.

NOTICE TO CITY

Advance notice of military service is required unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Military leave time will be scheduled with the Department Head and with the Human Resource Office as far in advance as possible and will, if possible, be at the convenience of the City's work schedule.

Employees on military leave for up to twenty (20) days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

BENEFITS WHILE ON LEAVE

During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began. Employees who normally made a contribution toward their health insurance coverage must continue to do so for the health insurance coverage to continue.

If the employee has leave banks accrued and is using them, the employee's contribution will be collected in the same manner as if the employee were reporting to work. However, if the employee's leave banks have been exhausted, the employee must arrange with the Clerk's Office prior to the start of their leave, for the payment of the employee's share of the premiums and other voluntary deductions. Once an employee has exhausted all leave banks, they will not accrue any other benefits. This includes vacation time, medical leave time, holidays and personal days. Taking military leave shall not result in the loss of any employee benefit accrued before the date on which the leave commenced.

REINSTATEMENT RIGHTS
Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits accrual rates based on length of service with the City.

FAMILY MILITARY LEAVE

LEAVE ENTITLEMENT
The City of Crete will grant a leave of absence to all eligible employees who are the spouse or parent of a person called to military service lasting 179 days or longer with the State or the United States pursuant to the orders of the Governor or the President of the United States. The City of Crete shall provide up to 30 days of unpaid family military leave to an eligible employee during the time federal or state deployment orders are in effect.

EMPLOYEE ELIGIBILITY
An employee must have been employed by The City of Crete for at least 12 months and have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave to be eligible for family military leave.

NOTICE TO CITY/CERTIFICATION OF ELIGIBILITY
An employee must give at least 14 days' notice of the intended date upon which the family military leave will commence if leave will consist of five or more consecutive workdays. Where able, the employee shall consult with his/her supervisor to schedule the leave so as not to unduly disrupt the operations of the City of Crete. Employees taking family military leave for less than five consecutive days shall give his/her supervisor advanced notice as is practicable. The City of Crete may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

BENEFITS WHILE ON LEAVE
During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began. Employees who normally made a contribution toward their health insurance coverage must continue to do so. If the employee has leave banks accrued and is using them, the employee's contribution will be collected in the same manner as if the employee were reporting to work.

However, if the employee's leave banks have been exhausted, the employee must arrange with the Clerk's Office prior to the start of their leave, for the payment of the employee's share of the premiums and other voluntary deductions. Once an employee has exhausted all leave banks, they will not accrue any other benefits. This includes vacation time, medical leave time, holidays and personal days. Taking family military leave shall not result in the loss of any employee benefit accrued before the date on which the leave commenced.

REINSTATEMENT RIGHTS
Any employee who exercises the right to family military leave, upon expiration of the leave, shall be entitled to be restored by the City of Crete to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. During any family military leave, an employee is required to use all accrued personal and/or vacation leave before going on unpaid status.

Sec. 4.09 ACCIDENT LEAVE

Accident leave is provided by the City to allow a period of recovery from on-the-job accidents. Full pay and benefits will be provided for 150 consecutive calendar days, subject to the waiting provisions in Neb. Rev. Stat. § 48-119 of the Nebraska Workers Compensation Act. Pursuant to that provision, no compensation will be allowed for the first seven calendar days after a disability begins unless that disability continues for six weeks or longer. When the disability lasts less than six weeks, employees may be granted accident leave.

Employees governed by the Civil Service Act of the State of Nebraska will be provided accident leave according to state statute.

Workers Compensation Benefits that replace lost salary are to be retained by the employee and the City will supplement these benefits up to the full net salary during the period of time that the employee continues to receive salary benefits under these rules. Should the employee receiving accident leave pay, collect from any other party for wages, he/she shall reimburse the City for wages paid as accident leave, to the extent wages are collected from any other party up to the amount of accident leave paid.

Sec. 4.10 LEAVE OF ABSENCE

Department Heads may grant an employee a leave of absence without pay for a period not to exceed 5 days if no leave banks are available. The City Council must approve a request for a leave of absence without pay in excess of 5 days. An employee who has been granted a leave of absence without pay shall not be granted any advancement or promotion in relation to the position from which he/she is on leave. The employee shall be entitled to and shall retain all benefits accrued up to the effective date of such leave. The employee shall not accrue vacation, sick leave, or other benefits during the period of time he/she is on leave of absence. The employee shall also be responsible for payment of total premiums (both City and employee shares) for continued health insurance coverage during the period of leave of absence. Upon expiration of the leave of absence and return to work by the employee, the wage of the employee shall reflect all general cost of living adjustments made during the leave.

CHAPTER 5

BENEFITS

To be eligible for benefits with the City, employees must be classified as a regular status employee and regularly work 30 hours per week or more.

Sec. 5.01 HEALTH/DENTAL INSURANCE

The City health and dental insurance plan provides employees and their dependents access to medical and dental insurance benefits. Employees in the following employment classifications are eligible to participate in the health and dental insurance plan:

- Regular Status Full-time employees
- Part-time employees who work thirty (30) hours or more per week

Eligible employees may participate in the health and dental insurance plan subject to all terms and conditions of the agreement between City and insurance carrier.

For all eligible employees, the City will pay 95% individual health and dental insurance premiums or 80% of family premiums. All part-time employees who work thirty (30) hours or more are eligible for coverage at pro-rated premiums. The City will continue to pay the budgeted premiums for eligible employees on ninety (90) day short-term disability.

If an employee chooses to participate in the high deductible health insurance coverage and wishes to have funds deposited in a health savings account at the bank used by the City for these accounts, the City will pay for the bank fees associated with the health savings account.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The City of Crete will comply with all Consolidated Omnibus Budget Reconciliation Act (COBRA) laws that apply to each employee as he/she leaves employment.

Sec. 5.02 LIFE/ACCIDENTAL DEATH INSURANCE

Life insurance offers you and your family important financial protection. The City provides a basic life insurance plan for eligible employees and elected officials. Additional supplemental life insurance coverage may also be purchased.

Employees in the following employment classifications are eligible to participate in the life insurance plan:

- Regular Status Full-time employees
- Part-time employees who work thirty (30) hours or more per week. The premium is pro-rated.

Eligible employees and elected officials may participate in the life insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

All employees and elected officials participating in this are covered for $10,000 of life insurance which is paid for by the City. An additional supplemental insurance may be purchased by the employee or elected official.

Volunteer Firefighters receive $10,000 of paid life insurance from the City's Group Policy as required in Nebraska State Statute 35-108 reissue 2008. An eligible city employee that is also a Volunteer Firefighter receives $20,000 of paid life insurance subject to all terms and conditions of the agreement between the City and the insurance carrier. *(Amended 3/1/2016)*

Sec. 5.03 CAFETERIA PLAN

The City provides employees with the opportunity to set money aside from their paychecks into a cafeteria plan. This plan allows an employee to set money aside for expected medical and daycare expenses on a pre-tax basis. For more details, contact the Human Resources Department.

Sec. 5.04 PENSION PLAN

The City provides a pension plan that employee are eligible for on the Plan Entry Date coincident with or next following the date on which the Employee has completed 1 year of employment with the Employer and has attained age of 19 years. Participation is mandatory. Employees defer 9% (pre-tax) of their pay into the pension plan. The City matches the 9% contributed by the employee. Employees direct 100% of Employee and Employer contributions. The vesting schedule is as printed in the City of Crete Pension Plans.

Sec. 5.05 SHORT- AND LONG-TERM DISABILITY

The City provides its Regular Status Full-time and Regular Part-time employees who work thirty (30) hours or more per week with short- and long-term disability coverage. Eligible employees are eligible for coverage the first of the month following employment.

Sec. 5.06 TUITION REIMBURSEMENT

Tuition reimbursement for continuing education will be available after 6 months of employment subject to the following qualifications, for the purpose of enhancing the knowledge and skills of employees to better perform their current duties:

Employees in the following employment classifications are eligible to receive qualified tuition reimbursement:

- Regular Status Full-time employees
- Part-time employees who work thirty (30) hours or more per week.

Qualification Process – the determination of whether a request qualifies for the tuition reimbursement program shall be made by the Department Head and City Administrator based on the following considerations:

- There is budget authority.
- The course is to be a core course offered by an accredited college or university which is directly related to the job of the employee.
- Books and fees are necessary for the course.
- If the employee is eligible for other assistance programs.

Approval Process – To receive tuition reimbursement the employee must submit a "Tuition Request Form", which contains the qualification information listed above, as well as the employee's financial request prior to beginning the course.

Reimbursement will be allowed for books and other fees. Tuition reimbursement is available only to regular full-time status employees.

Reimbursement Process – Any employee requesting tuition reimbursement will submit a grade report indicating the grade received for the class that was taken. Reimbursement will be as follows:

- A or B – 100%
- C – 85%
- D or F – 0%

The City makes no commitment to provide for the total cost of a higher education course or for all courses leading to a degree. Each course shall be evaluated separately on its merit by the Department Head and the City Administrator to determine eligibility for tuition and related expense reimbursement. Masters, Doctoral or PhD level classes and degree programs are not eligible for reimbursement.

The Department Head will include the request for reimbursement in the next payroll period after appropriate documentation is turned in.

Sec. 5.07 BILINGUAL PAY

Employees who are fluent in an approved second language will be paid $500 per calendar year, payable in the second check in November. In order for an employee to collect bilingual pay, the employee must be actively employed in November. The Department Head will determine whether bilingual skills are needed based upon the interaction of the department with the public. If bilingual skills are needed, the Department Head will determine which languages are "approved" based upon the needs of the department as they relate to the demographics of Crete.

Sec. 5.08 CLOTHING ALLOWANCE

Each employee required to wear a uniform will be furnished with up to five (5) serviceable uniforms at a time as determined by the City. Employees are required to wear the uniforms during working hours and are not allowed to wear them during off duty hours. The definition of uniform will vary by department and position.

The uniforms are to be maintained by the individual employee and are to be considered property of the City. The City Business Office will furnish replacement uniform articles as necessary. All uniforms must be returned to the City upon termination of employment.

Sec. 5.09 AWARDS PROGRAM

Within the limitations of its financial position, the City of Crete may provide one recognition dinner each year for the elected and appointed officials, employees or volunteers. The maximum cost for such dinner shall be established by the Council, but shall not exceed fifty dollars ($50.00) per person.

Recognition awards are given for every five years (5) of service.

ACKNOWLEDGEMENT OF RECEIPT

Please sign below and return to the Human Resource Coordinator, to be kept in your personnel file.

I have received my copy of the City of Crete Employee Handbook and understand that it is my responsibility as an employee to read and understand it, and with the understanding that this is not a contract, but the means of providing general information for my benefit.

Employee's Signature Date

Human Resource Coordinator's Signature Date