



**CITY OF SEWARD
City Council
Regular Meeting
Agenda**

Tuesday, August 15, 2023

7:00 PM

Municipal Building Council Chambers

NOTICE IS HEREBY GIVEN that a meeting of the City Council of the City of Seward, Nebraska will be held at 7:00 PM on Tuesday, August 15, 2023, in the Council Chambers, 142 N 7th Street, Seward, Nebraska in which the meeting will be open to the public. The Mayor and City Council reserve the right to adjourn into Closed Session as per Section 84-1410 of the Nebraska Revised Statutes. An Agenda for such meeting, kept continually current, is available at the Office of the City Clerk, 537 Main Street, Seward, Nebraska, during normal business hours. Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's Office at 402.643.2928 no later than 3:30 PM on the Friday preceding the Council Meeting.

City financial claims and related invoices will be available for Council member review, audit and voluntary signatures at the meeting location beginning 30 minutes prior to the scheduled meeting time.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

DISCLOSURE OF OPEN MEETINGS ACT & OTHER NOTIFICATIONS

This is an Open Meeting of the Seward Nebraska Governing Body. The City of Seward abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is displayed on the north wall of this meeting room facility as required. Disclosure of meeting recording processes is posted in the Meeting Room. A participant sign-in sheet is available for use by any Citizen addressing the Council. Presenters shall approach the podium, state their name & address for the Clerk's record and are asked to limit remarks to five minutes. All remarks shall be directed to the Mayor who shall determine by whom any appropriate response shall be made. The City of Seward reserves the right to adjust the order of items on this Agenda if necessary and may elect to take action on any of the items listed.

ROLL CALL

CONSENT AGENDA

1. City Codes Director Report

CURRENT YEAR:

July

2023

LAST YEAR:

July

2022

Permits	Quantity	Permit Fee	Valuation
NEW CONST.	0	\$ -	\$ -
REMODEL/ADDIT.	10	\$ 1,077.80	\$ 286,687.42
ACCESSORY	16	\$ 3,191.52	\$ 17,225.00
RELOCATE	33	\$ 1,790.00	\$ 363,410.83
ELECTRIC			
PLUMBING	22	\$ 1,200.00	
MECHANICAL	14	\$ 1,337.00	
SEWER TAP	0	\$ -	
WATER TAP	0	\$ -	
TEMP. ELEC.	0	\$ -	\$ -
ELECTRIC SER.	0	\$ -	\$ -
TOTALS	95	\$ 8,596.32	\$ 667,323.25

Permits	Qty.	Permit Fee	Valuation
NEW CONST.	0	\$ -	\$ -
REMODEL/ADDIT.	26	\$ 1,795.00	\$ 423,273.02
ACCESSORY	11	\$ 1,062.70	\$ 181,858.01
RELOCATE	174	\$ 8,745.00	\$ 3,167,099.62
ELECTRIC	0		\$ -
PLUMBING	11	\$ 1,025.00	\$ -
MECHANICAL	9	\$ 1,000.00	\$ -
SEWER TAP	0	\$ 500.00	\$ -
WATER TAP	0	\$ 3,019.00	\$ -
TEMP. ELEC.	0	\$ 450.00	\$ -
ELECTRIC SER.	0	\$ 2,580.00	\$ -
TOTALS	231	\$ 20,176.70	\$ 3,772,230.65

YEAR TO DATE

January to December

2023

YEAR TO DATE

January to December

2022

Permits	Quantity	Permit Fee	Valuation
NEW CONST.	17	\$ 36,545.86	\$5,575,127.53
REMODEL/ADDIT.	119	\$ 15,115.14	\$ 4,080,405.47
ACCESSORY	87	\$ 13,880.85	\$ 268,074.31
RELOCATE	330	\$ 20,905.00	\$ 6,756,570.62
ELECTRIC		\$ -	\$ -
PLUMBING	84	\$ 5,895.00	\$ -
MECHANICAL	72	\$ 17,168.00	\$ -
SEWER TAP	16	\$ 4,000.00	\$ -
WATER TAP	16	\$ 17,729.00	\$ -
TEMP. ELEC.	14	\$ 700.00	\$ -
ELECTRIC SER.	16	\$ 3,300.00	\$ -
TOTALS	771	\$ 135,238.85	\$16,680,177.93

Permits	Qty.	Permit Fee	Valuation
NEW CONST.	16	\$ 40,327.44	\$ 6,176,434.34
REMODEL/ADDIT.	73	\$ 80,883.96	\$55,328,669.07
ACCESSORY	94	\$ 9,707.53	\$ 483,047.01
RELOCATE	214	\$ 10,753.00	\$ 3,633,714.73
ELECTRIC			\$ -
PLUMBING	88	\$ 7,999.00	\$ -
MECHANICAL	51	\$ 6,753.00	\$ -
SEWER TAP	14	\$ 4,000.00	\$ -
WATER TAP	14	\$ 15,978.00	\$ -
TEMP. ELEC.	8	\$ 850.00	\$ -
ELECTRIC SER.	15	\$ 6,580.00	\$ -
TOTALS	587	\$ 183,831.93	\$65,621,865.15

OPEN Property Maintenance Code Violation Report

					Updated 8-7-2023
Property Address	Violation Type	Deadline	Owner Information	Delivery Type	Status
2023					
429 S Columbia	Weeds	7/8/2023	Christopher Yates 8630 Oakmont Dr Lincoln, NE 68526	Certified letter, Posted notice on property	Certified Letter mailed to last known address. City has mowed previously and invoice went uncollected and turned over to collections. CSO Arena will post 5 day mowing nuisance letter.
437 S 6th Street	Weeds, trash, litter	7/4/2023	Verlin Miller	In Person to tenant/Certified Mail	CSO Arena spoke with the tenants. Mr. Miller spoke with CSO Arena in response to the letter. The property was mowed and cleared of weeds and brush, debris was removed.
406 N 7th St	Weeds	7/4/2023	Wess & Shannon Robotham	Posted/Certified Mail	CSO Arena posted the notice of violations
545 N 6th	Weeds	7/20/2023	Mark Smith	Posted/Certified Mail	Codes Dir. Dworak verified site was mowed.
		7/4/2023			Joe Smith (son) called, Mark is ill so Joe will mow and clear brush this week by Thursday 7-13
					CSO Arena posted the notice of violations
937 Elm St	Weeds and Litter	7/4/2023	Kelvin and Theresa Bick	In Person/Certified Mail	Sherdon called the office needing an extension, CSO Arena will inspect the property Tuesday 7-11 for progress.
					CSO Arena made contact with Kelvin, property owner, and informed him of the violations.
923 Elm St	Weeds and Litter	7/4/2023	Sherdon Bick	Posted/Certified Mail	CSO Arena made contact with the son Kelvin who resides at the residence.
530 N 5th St	Trash, litter, junk, weeds	7/11/2023	Jeremy & Nicole Martin	Phone Call/Posted/Cert ified Mail	CSO Arena verified site was cleaned and mowed
		7/4/2023			Jeremy called the office and requested an extension until Tuesday 7-11, CSO Arena will verify completion Tuesday
434 S 2nd	Junk in the yard, travel trailers with doors open and windows knocked out	8/8/2023	Stephen Storjohn	Posted/Certified Mail	CSO Arena made contact via phone with Jeremy Martin. He is aware of the situation. He is out of town till the 3rd.
		7/11/2023			Staff met with City Attorney Hoffschneider Tuesday 7-11. Wishes to wait to see outcome of the August 8 hearing. CSO Arena and an SPD Officer will issue a nuisance citation every Firday.

OPEN Property Maintenance Code Violation Report

		6/20/2023			Staff met with the County Attorney to begin prosecution of a nuisance violation and to begin abatement. County Attorney suggested we meet with the City Attorney to start civil proceedings. Meeting Tuesday 7-11.
					CSO Arena made contact in person regarding the vehicle in the ROW and the items in the yard. 6-15-23 Notice and orders was hand delivered and sent certified mail to remove junk items, storage container, and clear off the sidewalk. Notice and orders deadline was 6-20-23 at 11:00 a.m. No progress has been made. 6-21-23 Storjohn was cited by CSO Arena and towed the camper that was in the ROW.

2. City Treasurer Report

Pledges By Pledgee And Maturity



Pledged To: CITY TREASURER

Jones Bank - Seward, NE

As Of 7/31/2023

Receipt# Safekeeping Location	CUSIP	ASC 320	Description Maturity Prerefund	Pool/Type Coupon	Moody S&P	Original Face Pledged Percent	Pledged			
							Original Face	Par	Book Value	Market Value
803760FG7 COMM: COMMERCE BANK	AFS		SARPY CO SID #180-REF NE 37 12/15/37 12/28/23 @ 100.00	4.25		250,000.00 100.00%	250,000.00	250,000.00	250,000.00	251,142.50
148006EZ8 COMM: COMMERCE BANK	AFS		CASS CO SD #1 NE 26 12/15/26	2.35		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	194,866.00
25932KCL7 COMM: COMMERCE BANK	AFS		DOUGLAS SID #404-REF NE 27 08/15/27	1.75		225,000.00 100.00%	225,000.00	225,000.00	225,000.00	201,377.25
25933AFG6 COMM: COMMERCE BANK	AFS		DOUGLAS SID #492-REF NE 28 08/15/28	3.20		175,000.00 100.00%	175,000.00	175,000.00	175,000.00	170,464.00
80373YCT1 COMM: COMMERCE BANK	AFS		SARPY CO SID #158-REF NE 29 11/15/29	3.10		155,000.00 100.00%	155,000.00	155,000.00	155,000.00	143,158.00
486890X92 COMM: COMMERCE BANK	AFS		KEARNEY NE 30 10/15/30	2.60	A+	150,000.00 100.00%	150,000.00	150,000.00	150,000.00	148,929.00
0792124W3 COMM: COMMERCE BANK	AFS		BELLEVUE-REF NE 30 12/15/30	3.10		250,000.00 100.00%	250,000.00	250,000.00	250,000.00	250,072.50
751265RA9 COMM: COMMERCE BANK	AFS		RALSTON-VEHICLE NE 32 06/01/32	3.70		300,000.00 100.00%	300,000.00	300,000.00	300,000.00	300,015.00
661615UB8 COMM: COMMERCE BANK	AFS		N PLATTE-REF NE 32 12/15/32	3.00	A	200,000.00 100.00%	200,000.00	200,000.00	200,256.98	197,190.00
698864HR9 COMM: COMMERCE BANK	AFS		PAPILLION MUNI FACS NE 33 12/15/33	3.00	Aa1	175,000.00 100.00%	175,000.00	175,000.00	175,855.09	164,864.00
818468BN9 COMM: COMMERCE BANK	AFS		SEWARD-REF NE 33 12/15/33	2.35	AA	400,000.00 100.00%	400,000.00	400,000.00	400,000.00	357,656.00
943776KA1 COMM: COMMERCE BANK	AFS		WAVERLY NE 34 06/01/34	2.95		335,000.00 100.00%	335,000.00	335,000.00	335,000.00	319,921.65
840372SX5 COMM: COMMERCE BANK	AFS		SOUTH SIOUX CITY-REF NE 36 08/01/36	2.20		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	161,034.00

Although the information in this report has been obtained from sources believed to be reliable, its accuracy cannot be guaranteed.

Pledges By Pledgee And Maturity



Pledged To: CITY TREASURER

Jones Bank - Seward, NE

As Of 7/31/2023

Receipt# Safekeeping Location	CUSIP	ASC 320	Description Maturity Prerfund	Pool/Type Coupon	Moody S&P	Original Face Pledged Percent	Pledged			
							Original Face	Par	Book Value	Market Value
COMM: COMMERCE BANK	72778PCU5	AFS	PLATTE CO SD #5 NE 38 12/15/38	2.00	AA-	200,000.00 100.00%	200,000.00	200,000.00	200,372.49	150,616.00
COMM: COMMERCE BANK	80379KDHO	AFS	SARPY CO SID #272-REF NE 38 12/15/38	4.40		215,000.00 100.00%	215,000.00	215,000.00	215,000.00	215,279.50
COMM: COMMERCE BANK	25934MCK3	AFS	DOUGLAS SID #531-REF NE 39 01/15/39	4.35		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	200,140.00
COMM: COMMERCE BANK	25936ECH6	AFS	DOUGLAS CO SID #561 NE 39 01/15/39	4.35		180,000.00 100.00%	180,000.00	180,000.00	180,000.00	180,082.80
COMM: COMMERCE BANK	25930BEE3	AFS	DOUGLAS CO SID #504 NE 39 08/15/39	3.40		215,000.00 100.00%	215,000.00	215,000.00	215,000.00	189,707.40
COMM: COMMERCE BANK	25931EGP9	AFS	DOUGLAS CO SAN #503 NE 39 08/15/39	2.65		225,000.00 100.00%	225,000.00	225,000.00	225,000.00	170,813.25
COMM: COMMERCE BANK	80373XBC1	AFS	SARPY CO SAN & IMPT NE 39 08/15/39	2.60		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	151,354.00
COMM: COMMERCE BANK	80373YDV5	AFS	SARPY CO SID#158-REF NE 39 08/15/39	2.95		190,000.00 100.00%	190,000.00	190,000.00	190,000.00	149,055.00
COMM: COMMERCE BANK	25931BEJ1	AFS	DOUGLAS SID #507-REF NE 40 05/01/40	3.15		185,000.00 100.00%	185,000.00	185,000.00	185,000.00	142,157.70
COMM: COMMERCE BANK	25933VDM9	AFS	DOUGLAS CO SD #559 NE 40 05/15/40	3.40		175,000.00 100.00%	175,000.00	175,000.00	175,000.00	155,366.75
COMM: COMMERCE BANK	25933EEG9	AFS	DOUGLAS CO SAN & IMPT NE 40 11/15/40	3.15		190,000.00 100.00%	190,000.00	190,000.00	190,000.00	151,811.90
COMM: COMMERCE BANK	80388MBJ3	AFS	SARPY CNTY SANITATION NE 40 12/15/40	4.00		240,000.00 100.00%	240,000.00	240,000.00	240,000.00	239,076.00
COMM: COMMERCE BANK	617775EV9	AFS	MORRILL CO NE 41 06/15/41	2.25		240,000.00 100.00%	240,000.00	240,000.00	240,000.00	177,424.80

Although the information in this report has been obtained from sources believed to be reliable, its accuracy cannot be guaranteed.

Pledges By Pledgee And Maturity

BBA

Pledged To: CITY TREASURER

Jones Bank - Seward, NE

As Of 7/31/2023

Page 11 of 35

Receipt# Safekeeping Location	CUSIP	ASC 320	Description Maturity Prerefund	Pool/Type Coupon	Moody S&P	Original Face Pledged Percent	Pledged			
							Original Face	Par	Book Value	Market Value
25936EDY8 COMM: COMMERCE BANK	AFS		DOUGLAS CO SID #561 NE 41 07/15/41	2.90		235,000.00 100.00%	235,000.00	235,000.00	235,000.00	177,958.45
25939LDA1 COMM: COMMERCE BANK	AFS		DOUGLAS CO SID #567 NE 41 07/15/41	2.75		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	148,292.00
25930LDN2 COMM: COMMERCE BANK	AFS		DOUGLAS CO SAN #530 NE 41 08/15/41	2.85		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	148,510.00
80379QBT3 COMM: COMMERCE BANK	AFS		SARPY CO NE SAN-REF NE 41 08/15/41	2.75		255,000.00 100.00%	255,000.00	255,000.00	255,000.00	191,910.45
80387LAS7 COMM: COMMERCE BANK	AFS		SARPY CO SAN & IMP DT NE 41 08/15/41	2.90		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	150,638.00
25938MDE2 COMM: COMMERCE BANK	AFS		DOUGLAS CO SAN & IMPT NE 41 09/01/41	2.80		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	146,556.00
25933EFW3 COMM: COMMERCE BANK	AFS		DOUGLAS CO NE SAN-B NE 41 09/15/41	2.85		235,000.00 100.00%	235,000.00	235,000.00	235,000.00	177,368.60
25939HCU7 COMM: COMMERCE BANK	AFS		DOUGLAS CO SID#563 NE 41 11/15/41	2.85		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	144,310.00
119483EL5 COMM: COMMERCE BANK	AFS		BUFFALO CO SD #0009 NE 41 12/15/41	2.00	A1	200,000.00 100.00%	200,000.00	200,000.00	194,035.04	141,708.00
259327W42 COMM: COMMERCE BANK	AFS		DOUGLAS CO SD #17 NE 41 12/15/41	4.00	AA	250,000.00 100.00%	250,000.00	250,000.00	260,214.82	253,947.50
25932XDN4 COMM: COMMERCE BANK	AFS		DOUGLAS CO NE SID-REF NE 41 12/15/41	2.75		250,000.00 100.00%	250,000.00	250,000.00	250,000.00	189,682.50
25940KAS4 COMM: COMMERCE BANK	AFS		SID DOUGLAS #596-REF NE 41 12/15/41	2.75		275,000.00 100.00%	275,000.00	275,000.00	275,000.00	207,982.50
808290FV7 COMM: COMMERCE BANK	AFS		SCHUYLER NE 42 03/15/42	2.75		250,000.00 100.00%	250,000.00	250,000.00	250,000.00	198,615.00

Although the information in this report has been obtained from sources believed to be reliable, its accuracy cannot be guaranteed.

7/28/2023 9:19 AM - BLA / JNBT

BBA - Baker Bond Accounting ®

The Baker Group Software Solutions, Inc.

Pledges By Pledgee And Maturity



Pledged To: CITY TREASURER

Jones Bank - Seward, NE

As Of 7/31/2023

Page 12 of 35

Receipt# Safekeeping Location	CUSIP	ASC 320	Description Maturity Prerefund	Pool/Type Coupon	Moody S&P	Original Face Pledged Percent	Pledged			
							Original Face	Par	Book Value	Market Value
COMM: COMMERCE BANK	80376KBN2	AFS	SARPY CO SID #334 NE 42 05/15/42	3.70		215,000.00 100.00%	215,000.00	215,000.00	215,000.00	164,189.05
COMM: COMMERCE BANK	25932XEH6	AFS	DOUGLAS CO SID #524 NE 42 09/15/42	4.65		250,000.00 100.00%	250,000.00	250,000.00	250,000.00	244,902.50
COMM: COMMERCE BANK	25929MEM4	AFS	DOUGLAS CO SID #405-R NE 42 11/15/42	3.55		250,000.00 100.00%	250,000.00	250,000.00	250,000.00	212,930.00
COMM: COMMERCE BANK	25931EGT1	AFS	DOUGLAS CO SAN & IMPT NE 42 11/15/42	5.25		300,000.00 100.00%	300,000.00	300,000.00	300,000.00	306,666.00
COMM: COMMERCE BANK	25937XCT7	AFS	DOUGLAS CO SAN#570 NE 42 11/15/42	5.05		240,000.00 100.00%	240,000.00	240,000.00	240,000.00	243,069.60
COMM: COMMERCE BANK	25939HDQ5	AFS	DOUGLAS CO SAN #563 NE 42 11/15/42	5.15		190,000.00 100.00%	190,000.00	190,000.00	190,000.00	192,424.40
COMM: COMMERCE BANK	006058DK4	AFS	ADAMS CO NE 42 12/15/42	4.00	AA-	300,000.00 100.00%	300,000.00	300,000.00	311,176.00	304,989.00
COMM: COMMERCE BANK	122873AR3	AFS	BURT CO SCH DT#0020 NE 42 12/15/42	4.38	A2	250,000.00 100.00%	250,000.00	250,000.00	245,997.70	252,430.00
COMM: COMMERCE BANK	98636PBT6	AFS	YORK CO SCH DT#96 NE 42 12/15/42	4.50	Aa3	250,000.00 100.00%	250,000.00	250,000.00	254,509.33	254,257.50
COMM: COMMERCE BANK	80387HCA3	AFS	SARPY CO SID #304 NE 43 05/15/43	5.00		200,000.00 100.00%	200,000.00	200,000.00	200,000.00	194,166.00
COMM: COMMERCE BANK	3132DMPY5	AFS	FRLMC 30YR 03/01/50	SD0439 3.50		1,000,000.00 100.00%	1,000,000.00	590,680.38	646,461.52	547,025.89
63 Securities Pledged To: 1010 - CITY TREASURER							14,975,000.00	14,565,680.38	14,639,667.74	12,885,601.39

CASH IN BANK = \$12,111,009.40

Although the information in this report has been obtained from sources believed to be reliable, its accuracy cannot be guaranteed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Rate		Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
		Moody	State					Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
PLEDGEE: CITY OF SEWARD (02)											
AGEN	3130AJRQ4		1,000	177048011-1	Cont	6/25/2027					
FHLB	FHLB FIXED RATE NOTE				8/1/2023	6/25/2020	250,000.00	250,000.00	250,000.00	217,721.75	217,721.75
D02/02	AA+	Aaa			100,000	AFS	250,000.00	100.00%	230,846.33	250.00	217,971.75
AGEN	3130ANK82		0,750	178004394-1	Ann	8/26/2026					
FHLB	FHLB FIXED RATE NOTE				8/26/2023	8/26/2021	370,000.00	370,000.00	370,000.00	327,014.51	327,014.51
D02/02	AA+	Aaa			100,000	AFS	370,000.00	100.00%	332,115.70	1,194.79	328,209.30
CMO	3137AWU78		1,250	185157011-1		12/15/2027					
FHR	FHR 4145 AC					12/1/2012	1,500,000.00	1,500,000.00	46,235.60	44,127.87	44,127.87
D02/02						AFS	46,235.60	100.00%	46,111.30	48.16	44,176.03
CMO	3137B0NV2		1,500	185157163-1		9/15/2025					
FHR	FHR 4176 EC					3/1/2013	2,000,000.00	2,000,000.00	46,599.14	44,809.90	44,809.90
D02/02						AFS	46,599.14	100.00%	46,524.56	58.25	44,868.15
GNMA	36176W2B6		4,000	185168920-1		12/15/2026					
GNMA	GNMA POOL 778670					12/1/2011	560,000.00	560,000.00	27,077.69	26,804.27	26,804.27
D02/02						AFS	27,077.69	100.00%	27,636.60	90.26	26,894.53
GNMA	36179V3Q1		2,500	177018890-1		1/20/2036					
GNM2	GNMA2 POOL MA7107					1/1/2021	500,000.00	500,000.00	282,099.96	255,629.67	255,629.67
D02/02						AFS	282,099.96	100.00%	295,440.11	587.71	256,217.38
GNMA	3620A9QG9		3,500	185171527-1		9/15/2024					
GNMA	GNMA POOL 723255					9/1/2009	750,000.00	750,000.00	7,035.26	6,860.25	6,860.25
D02/02						AFS	7,035.26	100.00%	7,092.70	20.52	6,880.77
GNMA	3620ARB59		3,500	185171588-1		5/15/2025					
GNMA	GNMA POOL 737260					5/1/2010	1,000,000.00	1,000,000.00	17,515.05	16,753.76	16,753.76
D02/02						AFS	17,515.05	100.00%	17,650.72	51.09	16,804.85
MBS	3128MDW74		3,500	177039340-1		12/1/2028					
FGLM	FHLMC POOL G14970					12/1/2013	1,450,000.00	1,450,000.00	180,017.04	174,887.34	174,887.34
D02/02						AFS	180,017.04	100.00%	187,572.94	525.05	175,412.39
MBS	3128MEHL8		5,000	185145155-1		11/1/2024					
FGLM	FHLMC POOL G15435					5/1/2015	557,000.00	557,000.00	12.00	11.91	11.91
D02/02						AFS	12.00	100.00%	12.10	0.05	11.96

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

H231
Page 2 of 79

Report Sequence: sgrp, CUSIP, Ticket

SGRp STyp Loc/PI	CUSIP Description S&P	Rate		Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
		Moody	State					Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
MBS	3128MMLQ4	4.500		185145399-1		12/1/2024					
FGLM	FHLMC POOL G18334					12/1/2009	1,015,000.00	1,015,000.00	5,377.71	5,299.21	5,299.21
D02/02						AFS	5,377.71	100.00%	5,415.37	20.17	5,319.38
MBS	3128PNBR8	4.000		185147186-1		7/1/2024					
FGLM	FHLMC POOL J09948					6/1/2009	1,300,000.00	1,300,000.00	4,386.73	4,328.46	4,328.46
D02/02						AFS	4,386.73	100.00%	4,418.19	14.62	4,343.08
MBS	3128PQ4E8	4.500		185147195-1		2/1/2025					
FGLM	FHLMC POOL J11721					2/1/2010	1,200,000.00	1,200,000.00	7,430.02	7,343.16	7,343.16
D02/02						AFS	7,430.02	100.00%	7,525.50	27.86	7,371.02
MBS	3128Q0GL5	4.000		185147609-1		5/1/2027					
FGLM	FHLMC POOL J19203					5/1/2012	425,000.00	425,000.00	19,832.60	19,444.47	19,444.47
D02/02						AFS	19,832.60	100.00%	20,360.16	66.11	19,510.58
MBS	31329KRS5	3.000		177051131-1		4/1/2033					
FGLM	FHLMC POOL ZA2297					9/1/2018	1,000,000.00	1,000,000.00	188,917.03	177,012.51	177,012.51
D02/02						AFS	188,917.03	100.00%	180,133.06	472.29	177,484.80
MBS	3132A8S34	2.500		177051143-1		1/1/2031					
FGLM	FHLMC POOL ZS7738					9/1/2018	860,000.00	860,000.00	211,002.22	198,324.85	198,324.85
D02/02						AFS	211,002.22	100.00%	201,319.78	439.59	198,764.44
MBS	3132CWKP8	3.000		177046215-1		4/1/2035					
FGLM	FHLMC POOL SB0302					3/1/2020	810,000.00	810,000.00	378,194.83	355,675.52	355,675.52
D02/02						AFS	378,194.83	100.00%	373,053.22	945.49	356,621.01
MBS	3132CWSD7	2.500		178002051-1		4/1/2036					
FGLM	FHLMC POOL SB0516					3/1/2021	500,000.00	500,000.00	364,100.77	332,724.85	332,724.85
D02/02						AFS	364,100.77	100.00%	382,349.63	758.54	333,483.39
MBS	3132CWWM3	3.500		177041150-1		8/1/2036					
FGLM	FHLMC POOL SB0620					2/1/2022	400,000.00	400,000.00	322,732.65	309,754.99	309,754.99
D02/02						AFS	322,732.65	100.00%	340,526.70	941.30	310,696.29
MBS	31335HYR8	5.500		185150298-1		10/1/2023					
FGLM	FHLMC POOL C90720					10/1/2003	3,250,000.00	3,250,000.00	899.73	895.40	895.40
D02/02						AFS	899.73	100.00%	901.31	4.12	899.52
MBS	3133LPUE5	1.500		177041020-1		3/1/2032					
FGLM	FHLMC POOL RD5081					2/1/2022	500,000.00	500,000.00	407,921.48	368,331.88	368,331.88
D02/02						AFS	407,921.48	100.00%	403,117.92	509.90	368,841.78

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

H231
Page 3 of 79

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Rate		Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
		Moody	State					Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
MBS FNMA D02/02	31371LQY8 FNMA POOL 255271	5.000		185155978-1		6/1/2024 5/1/2004 AFS	500,000.00 862.63	500,000.00 100.00%	862.63 861.82	875.35 3.59	875.35 878.94
MBS FNMA D02/02	31375HAP9 FNMA ARM POOL 334914	4.308		185156211-1		2/1/2026 1/1/1996 AFS	1,000,000.00 366.92	1,000,000.00 100.00%	366.92 367.54	363.52 1.32	363.52 364.84
MBS FNMA D02/02	3138AMK38 FNMA POOL AI7513	4.500		185159473-1		7/1/2026 7/1/2011 AFS	500,000.00 25,158.95	500,000.00 100.00%	25,158.95 25,639.77	24,849.38 94.35	24,849.38 24,943.73
MBS FNMA D02/02	3138EJLQ9 FNMA POOL AL2134	4.000		185159924-1		7/1/2027 7/1/2012 AFS	443,000.00 22,602.40	443,000.00 100.00%	22,602.40 23,138.41	22,159.92 75.34	22,159.92 22,235.26
MBS FNMA D02/02	3138EKRM9 FNMA POOL AL3191	3.500		185160071-1		2/1/2028 2/1/2013 AFS	500,000.00 31,164.31	500,000.00 100.00%	31,164.31 31,912.28	30,381.30 90.90	30,381.30 30,472.20
MBS FNMA D02/02	3138EKX75 FNMA POOL AL3401	5.500		177039339-1		2/1/2034 3/1/2013 AFS	2,000,000.00 273,429.90	2,000,000.00 100.00%	273,429.90 303,287.91	281,504.18 1,253.22	281,504.18 282,757.40
MBS FNMA D02/02	3138EKXJ9 FNMA POOL AL3380	5.500		177039338-1		1/1/2034 3/1/2013 AFS	2,000,000.00 214,974.82	2,000,000.00 100.00%	214,974.82 237,370.65	221,316.54 985.30	221,316.54 222,301.84
MBS FNMA D02/02	3138ELYF4 FNMA POOL AL4309	4.000		185160221-1		10/1/2028 10/1/2013 AFS	1,000,000.00 59,199.18	1,000,000.00 100.00%	59,199.18 60,835.38	58,010.97 197.33	58,010.97 58,208.30
MBS FNMA D02/02	3138EMCY5 FNMA POOL AL4586	4.000		185160242-1		2/1/2027 12/1/2013 AFS	575,000.00 21,051.52	575,000.00 100.00%	21,051.52 21,557.92	20,683.01 70.17	20,683.01 20,753.18
MBS FNMA D02/02	3138EMPD7 FNMA POOL AL4919	3.500		184006560-1		3/1/2029 2/1/2014 AFS	2,000,000.00 245,082.78	631,641.94 31.58%	77,402.28 80,660.88	74,917.33 225.76	74,917.33 75,143.08
MBS FNMA D02/02	3138EQ5H1 FNMA POOL AL8047	3.500		176002956-1		11/1/2030 1/1/2016 AFS	1,050,000.00 221,259.56	1,050,000.00 100.00%	221,259.56 233,122.67	210,429.24 645.34	210,429.24 211,074.58

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Rate Moody	Ticket-P# State	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
							Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
MBS	3138WDU82	3.000	178000698-1		1/1/2030					
FNMA	FNMA POOL AS4206				12/1/2014	1,160,000.00	1,160,000.00	137,442.88	130,665.53	130,665.53
D02/02					AFS	137,442.88	100.00%	142,758.58	343.61	131,009.14
MBS	3140FBGJ3	2.000	177051139-1		7/1/2031					
FNMA	FNMA POOL BD3800				7/1/2016	1,375,000.00	1,375,000.00	314,666.12	287,843.99	287,843.99
D02/02					AFS	314,666.12	100.00%	298,358.12	524.44	288,368.43
MBS	3140J5EA3	2.500	177039342-1		12/1/2029					
FNMA	FNMA POOL BM1028				3/1/2017	1,750,000.00	1,750,000.00	277,839.71	253,774.83	253,774.83
D02/02					AFS	277,839.71	100.00%	283,918.98	578.83	254,353.66
MBS	3140J5EA3	2.500	185164038-1		12/1/2029					
FNMA	FNMA POOL BM1028				3/1/2017	300,000.00	300,000.00	47,629.67	43,504.26	43,504.26
D02/02					AFS	47,629.67	100.00%	47,770.83	99.23	43,603.49
MBS	3140QGJ99	2.500	177034617-1		12/1/2035					
FNMA	FNMA POOL CA8387				12/1/2020	500,000.00	500,000.00	342,253.63	312,215.85	312,215.85
D02/02					AFS	342,253.63	100.00%	358,793.04	713.03	312,928.88
MBS	3140X9CH6	2.500	199000173-1		12/1/2035					
FNMA	FNMA POOL FM5471				12/1/2020	465,000.00	465,000.00	320,131.21	292,024.72	292,024.72
D02/02					AFS	320,131.21	100.00%	335,031.75	666.94	292,691.66
MBS	3140X9LK9	3.000	177020855-1		1/1/2041					
FNMA	FNMA POOL FM5729				1/1/2021	500,000.00	500,000.00	276,606.69	249,312.73	249,312.73
D02/02					AFS	276,606.69	100.00%	292,578.34	691.52	250,004.25
MBS	31412P2K6	4.500	185164602-1		7/1/2024					
FNMA	FNMA POOL 931478				6/1/2009	2,900,000.00	2,900,000.00	10,006.51	9,903.00	9,903.00
D02/02					AFS	10,006.51	100.00%	10,081.56	37.52	9,940.52
MBS	31417SAL4	4.500	185165282-1		10/1/2024					
FNMA	FNMA POOL AC5410				10/1/2009	2,040,000.00	2,040,000.00	13,912.76	13,760.11	13,760.11
D02/02					AFS	13,912.76	100.00%	14,050.78	52.17	13,812.28
MBS	31418AAC2	3.000	185165786-1		11/1/2026					
FNMA	FNMA POOL MA0902				10/1/2011	1,000,000.00	1,000,000.00	24,445.69	22,799.44	22,799.44
D02/02					AFS	24,445.69	100.00%	24,615.89	61.11	22,860.55
MBS	31418AKN7	3.000	177011537-1		10/1/2032					
FNMA	FNMA POOL MA1200				9/1/2012	800,000.00	800,000.00	112,141.08	104,704.58	104,704.58
D02/02					AFS	112,141.08	100.00%	117,452.02	280.35	104,984.93

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Rate Moody	State	Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
								Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
MBS	31418AVK1	3.000		177039341-1		7/1/2028					
FNMA	FNMA POOL MA1517					6/1/2013	1,000,000.00	1,000,000.00	119,198.40	113,193.43	113,193.43
D02/02						AFS	119,198.40	100.00%	121,866.33	298.00	113,491.43
MBS	31418AYS1	2.500		185166625-1		10/1/2023					
FNMA	FNMA POOL MA1620					9/1/2013	587,000.00	587,000.00	971.14	909.79	909.79
D02/02						AFS	971.14	100.00%	971.54	2.02	911.81
MBS	31418B5R3	4.000		177020853-1		6/1/2036					
FNMA	FNMA POOL MA2655					5/1/2016	410,000.00	410,000.00	89,755.89	86,536.87	86,536.87
D02/02						AFS	89,755.89	100.00%	95,729.50	299.19	86,836.06
MBS	31418DRM6	2.000		177046216-1		8/1/2030					
FNMA	FNMA POOL MA4091					7/1/2020	610,000.00	610,000.00	264,273.54	242,969.70	242,969.70
D02/02						AFS	264,273.54	100.00%	256,171.55	440.46	243,410.16
MBS	31418DT77	2.000		177023307-1		11/1/2030					
FNMA	FNMA POOL MA4173					10/1/2020	771,122.00	771,122.00	394,206.53	362,423.46	362,423.46
D02/02						AFS	394,206.53	100.00%	405,665.92	657.01	363,080.47
MBS	31418DZ96	1.500		184010674-1		6/1/2031					
FNMA	FNMA POOL MA4367					5/1/2021	500,000.00	500,000.00	340,327.08	308,089.84	308,089.84
D02/02						AFS	340,327.08	100.00%	346,303.77	425.41	308,515.25
MBS	31418EA83	1.500		177048016-1		2/1/2032					
FNMA	FNMA POOL MA4530					1/1/2022	179,142.00	167,163.35	133,851.14	120,858.79	120,858.79
D02/02						AFS	143,442.69	93.31%	126,758.76	167.31	121,026.10
MUNI	25887CAZ1	2.250	NE	177039343-1	Cont	1/1/2034					
GO	DOUGLAS CNTY NEB S&I #540				1/1/2027	1/5/2022	120,000.00	120,000.00	120,000.00	105,092.40	105,092.40
D02/02					100.000	AFS	120,000.00	100.00%	120,000.00	225.00	105,317.40
MUNI	259290EB6	3.100	NE	185142828-1	Contin	8/15/2030					
GO	DOUGLAS CNTY NE SAN & IMPT DIS				8/1/2023	6/15/2016	150,000.00	150,000.00	150,000.00	144,673.50	144,673.50
D02/02					100.000	AFS	150,000.00	100.00%	150,000.00	2,144.17	146,817.67
MUNI	259292CS7	2.700	NE	185142831-1	Contin	11/15/2026					
GO	DOUGLAS CNTY SAN IMPT DIST 427				8/1/2023	11/15/2017	280,000.00	280,000.00	280,000.00	272,490.40	272,490.40
D02/02					100.000	AFS	280,000.00	100.00%	280,000.00	1,596.00	274,086.40
MUNI	259305DT4	2.500	NE	178003667-1	Cont	3/1/2036					
GO	DOUGLAS CNTY NEB S&I #499				3/1/2027	3/1/2022	150,000.00	150,000.00	150,000.00	124,726.50	124,726.50
D02/02					100.000	AFS	150,000.00	100.00%	150,000.00	1,562.50	126,289.00

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

H231
Page 6 of 79

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Rate	Moody	State	Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
									Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
MUNI GO D02/02	25930TBJ6 DOUGLAS CNTY NEB SANI & #421	2.900		NE	184003054-1	Cont 5/15/2025 100.000	11/15/2036 5/19/2020 AFS	50,000.00 50,000.00	50,000.00 100.00%	50,000.00	48,915.50 306.11	48,915.50 49,221.61
MUNI GO D02/02	25931BEG7 DOUGLAS CNTY NEB SAN & IMPT DI	2.750		NE	184010678-1	Cont 5/1/2026 100.000	5/1/2035 5/3/2021 AFS	175,000.00 175,000.00	175,000.00 100.00%	175,000.00	153,779.50 1,203.13	153,779.50 154,982.63
MUNI GO D02/02	25931LCN2 DOUGLAS CNTY NE SAN & IMPT	2.700		NE	185142862-1	Cont 8/1/2023 100.000	11/15/2028 11/15/2016 AFS	170,000.00 170,000.00	170,000.00 100.00%	170,000.00	162,939.90 969.00	162,939.90 163,908.90
MUNI GO D02/02	25931VBN1 DOUGLAS CNTY NE SAN & IMPT	3.500		NE	185142866-1	Cont 8/1/2023 100.000	8/15/2032 7/27/2017 AFS	50,000.00 50,000.00	50,000.00 100.00%	50,000.00	46,505.50 806.94	46,505.50 47,312.44
MUNI GO D02/02	25931VCF7 DOUGLAS CNTY NEB SAN #471	2.350		NE	177020849-1	Cont 2/15/2026 100.000	8/15/2035 2/19/2021 AFS	100,000.00 100,000.00	100,000.00 100.00%	100,000.00	84,170.00 1,083.61	84,170.00 85,253.61
MUNI GO D02/02	25933BEB6 DOUGLAS CNTY NEB SAN & IMPT DI	3.000		NE	184003099-1	Cont 5/15/2025 100.000	11/15/2035 5/19/2020 AFS	150,000.00 150,000.00	150,000.00 100.00%	150,000.00	141,685.50 950.00	141,685.50 142,635.50
MUNI GO D02/02	25936RBY1 DOUGLAS CNTY NEB S&I #537	2.400		NE	177039345-1	Cont 1/15/2027 100.000	1/15/2039 1/21/2022 AFS	150,000.00 150,000.00	150,000.00 100.00%	150,000.00	119,199.00 160.00	119,199.00 119,359.00
MUNI REV D02/02	373807CE4 GERING NEB COMBINED UTILS REV	1.850		NE	184010461-1	Cont 4/29/2026 100.000	12/15/2035 4/29/2021 AFS	100,000.00 100,000.00	100,000.00 100.00%	100,000.00	86,180.00 236.39	86,180.00 86,416.39
MUNI GO D02/02	406036HN6 HALL CNTY NE SCD #2 GRAND IS	2.400		NE	185176896-1	Cont 8/1/2023 100.000	12/15/2024 2/9/2015 AFS	100,000.00 100,000.00	100,000.00 100.00%	100,000.00	98,914.00 306.67	98,914.00 99,220.67
MUNI GMCP D02/02	497593DJ9 KIRKWOOD CMNTY COLLEGE IOWA CT AA	4.000		IA	177032959-1	Cont 6/1/2029 100.000	6/1/2034 3/23/2020 AFS	365,000.00 365,000.00	365,000.00 100.00%	365,000.00 420,183.65	383,848.60 2,433.33	383,848.60 386,281.93
MUNI GO D02/02	505318QS7 LA VISTA NE	2.650		NE	185179244-1	Cont 8/1/2023 100.000	11/15/2024 12/31/2014 AFS	115,000.00 115,000.00	115,000.00 100.00%	115,000.00	113,954.65 643.36	113,954.65 114,598.01

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Rate Moody	State	Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
								Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
MUNI REV D02/02	57973FDD8 MCCOOK NE PUBLIC PWR DIST	3.150	NE	185181069-1	Contin 8/1/2023 100.000	12/15/2030 8/9/2017 AFS	100,000.00 100,000.00	100,000.00 100.00%	100,000.00 99,632.00 402.50	99,632.00 100,034.50	
MUNI GO D02/02	652810G22 NEWTON IOWA	3.000	IA	182011996-1	Cont 6/1/2029 100.000	6/1/2033 4/20/2022 AFS	185,000.00 185,000.00	185,000.00 100.00%	185,000.00 189,987.34	185,875.05 925.00	185,875.05 186,800.05
MUNI REV D02/02	71366VKE9 PERENNIAL PUB PWR DIST NEB ELE	1.800	NE	177020856-1	Cont 2/17/2026 100.000	12/15/2036 2/17/2021 AFS	210,000.00 210,000.00	210,000.00 100.00%	210,000.00 210,000.00	171,901.80 483.00	171,901.80 172,384.80
MUNI GO D02/02	80373YER3 SARPY CNTY NEB S&I #158	2.800	NE	182012079-1	Cont 4/15/2027 100.000	10/15/2035 4/19/2022 AFS	150,000.00 150,000.00	150,000.00 100.00%	150,000.00 150,000.00	131,713.50 1,236.67	131,713.50 132,950.17
MUNI GO D02/02	80376DCN7 SARPY CNTY NE SAN & IMPT DIST	3.250	NE	185187210-1	Contin 8/1/2023 100.000	10/15/2023 10/15/2012 AFS	200,000.00 200,000.00	200,000.00 100.00%	200,000.00 200,000.00	199,820.00 1,913.89	199,820.00 201,733.89
MUNI GO D02/02	80377BKT8 SARPY CNTY NEB S&I DIST #264	2.350	NE	184010680-1	Cont 5/3/2026 100.000	8/15/2034 5/3/2021 AFS	180,000.00 180,000.00	180,000.00 100.00%	180,000.00 180,000.00	158,781.60 1,950.50	158,781.60 160,732.10
MUNI GO D02/02	80377TBE2 SARPY CNTY NE SAN & IMPT DIST	2.800	NE	185187220-1	Contin 8/1/2023 100.000	11/15/2028 11/15/2016 AFS	85,000.00 85,000.00	85,000.00 100.00%	85,000.00 85,000.00	81,865.20 502.44	81,865.20 82,367.64
MUNI GO D02/02	80377TBF9 SARPY CNTY NE SAN & IMPT DIST	2.900	NE	185187221-1	Contin 8/1/2023 100.000	11/15/2029 11/15/2016 AFS	85,000.00 85,000.00	85,000.00 100.00%	85,000.00 85,000.00	82,515.45 520.39	82,515.45 83,035.84
MUNI GO D02/02	80378TEW8 SARPY CNTY NE SAN & IMPT DIST	3.850	NE	185187230-1	Contin 8/1/2023 100.000	10/15/2033 4/15/2018 AFS	85,000.00 85,000.00	85,000.00 100.00%	85,000.00 85,000.00	80,663.30 963.57	80,663.30 81,626.87
MUNI GO D02/02	80379AEF5 SARPY CNTY NEB SAN & IMPT #243	2.700	NE	177011631-1	Cont 8/15/2025 100.000	8/15/2038 8/19/2020 AFS	290,000.00 290,000.00	290,000.00 100.00%	290,000.00 290,000.00	234,775.30 3,610.50	234,775.30 238,385.80
MUNI GO D02/02	80379KEN6 SARPY CNTY NEB SAN & IMPT #272	2.300	NE	177018881-1	Cont 12/15/2025 100.000	12/15/2034 1/11/2021 AFS	50,000.00 50,000.00	50,000.00 100.00%	50,000.00 50,000.00	42,575.50 146.94	42,575.50 42,722.44

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Moody	Rate	State	Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values		
									Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec
MUNI GO D02/02	810140LP6 SCOTTS BLUFF CNTY NEB		2,550	NE	182012068-1	Cont 4/21/2027 100.000	1/15/2034 4/21/2022 AFS	250,000.00 250,000.00	250,000.00 100.00%	250,000.00 235,000.00 283.33	235,000.00 235,283.33
MUNI GO D02/02	81847ELK0 SEWARD NE		2,350	NE	185187545-1	Cont 8/1/2023 100.000	12/15/2023 5/18/2012 AFS	95,000.00 95,000.00	95,000.00 100.00%	95,000.00 94,441.40 285.26	94,441.40 94,726.66
MUNI REV D02/02	818480BF1 SEWARD NEB ARPT AUTH		3,550	NE	185187553-1	Cont 8/1/2023 100.000	1/15/2024 9/1/2011 AFS	25,000.00 25,000.00	25,000.00 100.00%	25,000.00 24,999.75 39.44	24,999.75 25,039.19
MUNI REV D02/02	818483FG9 SEWARD NE ELEC REV		2,450	NE	185187557-1	Cont 8/1/2023 100.000	2/15/2028 6/15/2016 AFS	150,000.00 150,000.00	150,000.00 100.00%	150,000.00 145,057.50 1,694.58	145,057.50 146,752.08
MUNI GO D02/02	886094CD1 THURSTON CNTY NEB		2,500	NE	184003102-1	Cont 5/28/2025 100.000	12/15/2035 5/28/2020 AFS	200,000.00 200,000.00	200,000.00 100.00%	200,000.00 197,516.27 638.89	174,534.00 174,534.00 175,172.89
TAX TAXGO D02/02	534239FX1 LINCOLN NEB AAA		3,000	NE	177045043-1		7/15/2026 8/20/2020 AFS	100,000.00 100,000.00	100,000.00 100.00%	100,000.00 99,578.21 133.33	96,082.00 96,082.00 96,215.33
TAX TAXGO D02/02	61778RBT8 MORRILL CNTY NEB SCH DIST #63 AA	A3	1,937	NE	177020846-1	Cont 12/1/2025 100.000	12/1/2031 2/25/2021 AFS	210,000.00 210,000.00	210,000.00 100.00%	210,000.00 210,000.00 677.95	161,198.10 161,198.10 161,876.05
TAX TAXREV D02/02	68189TBA3 OMAHA NEB SPL OBLIG AA+	Aa3	6,400	NE	185184294-1		2/1/2026 3/25/2008 AFS	35,000.00 35,000.00	35,000.00 100.00%	35,000.00 35,270.90 1,120.00	35,270.90 35,270.90 36,390.90
TD CD D02/02	02007GXG3 ALLY BANK CD		3,450		177049980-1		8/4/2026 8/4/2022 AFS	245,000.00 245,000.00	245,000.00 100.00%	245,000.00 245,000.00 4,122.04	245,000.00 245,000.00 249,122.04
TD CD D02/02	02589AC42 AMERICAN EXPR NATL BK CD		2,650		182012070-1		4/6/2027 4/6/2022 AFS	245,000.00 245,000.00	245,000.00 100.00%	245,000.00 245,000.00 2,081.16	245,000.00 245,000.00 247,081.16
TD CD D02/02	89235MNH0 TOYOTA FINANCIAL SGS BK CD		3,200		177046219-1		5/17/2027 5/17/2022 AFS	245,000.00 245,000.00	245,000.00 100.00%	245,000.00 245,000.00 1,632.44	245,000.00 245,000.00 246,632.44

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

Cattle Bank & Trust (052)
Investment Portfolio (1)

Pledged Securities Detail
July 31, 2023

Report Sequence: sgrp, CUSIP, Ticket

SGrp STyp Loc/PI	CUSIP Description S&P	Rate		Ticket-P#	Call Type Next Call Dt Call Price	Maturity Dt Issue Dt Intent	Total Face Total Par	Pledge Values			
		Moody	State					Pledged Face % of Total	Par Value Book Value	Carrying Value Interest Rec	Market Value Collateral Value
TRSY	91282CDQ1		1.250	177038199-1		12/31/2026					
NOTE	U.S. TREASURY NOTE					12/31/2021	250,000.00	250,000.00	250,000.00	225,234.38	225,234.38
D02/02	AA+	Aaa				AFS	250,000.00	100.00%	249,756.89	271.74	225,506.12
CITY OF SEWARD								53,126,927.29	13,199,519.65	12,278,749.86	12,278,749.86
									13,359,778.74	57,268.41	12,336,018.27

CASH IN BANK = \$9,013,003.13

Report reflects information submitted to Stifel Bond Accounting by the customer. It is not intended to be used as the official record of safekeeping location and/or pledged holdings. See customer's Safekeeping Agent reports as needed.

TREASURER'S REPORT	MONTH OF: JULY 2023					
VARIANCE AT: 83.33%						
	REVENUE	CURRENT YTD		UNRECEIPTED	PREVIOUS YTD	DIFFERENCE
DEPARTMENT	BUDGET	REVENUE	VARIANCE	BALANCE	REVENUE	B/W BUDGET YEARS
ELECTRIC	11,259,500	9,551,183	85%	1,708,317	9,194,053	357,130
ELEC BOND PYMT						
WATER	2,335,000	1,958,322	84%	376,678	1,769,242	189,080
WATER BOND PYMTS						
WATER SINKING FUND	20,000	20,000	100%	- 0 -	20,000	- 0 -
WASTEWATER TREATMENT	2,129,700	1,780,421	84%	349,279	1,562,500	217,921
WWTW BOND PYMT						
WWTW SINKING FUND	285,000	285,000	100%	- 0 -	15,000	270,000
TOTAL BUSINESS-TYPE FUNDS	16,029,200	13,594,926	85%	2,434,274	12,560,795	1,034,131
GENERAL REVENUES	4,603,723	4,041,768	88%	561,955	2,961,495	1,080,273
LEGAL	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
POLICE	48,100	4,993	10%	43,107	35,133	(30,140)
E911	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
POLICE EQUITABLE SHARING	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
STREET	3,694,727	3,653,707	99%	41,020	2,502,848	1,150,859
STREET STP FUNDS	182,592	202,911	111%	(20,319)	159,460	43,451
DEBT SERVICE	849,726	874,416	103%	(24,690)	884,881	(10,465)
RAIL CAMPUS	- 0 -	3,000	0%	(3,000)	1	2,999
CDBG ECON. DEV. LOAN FUND	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
CDBG DOWNTOWN REVITAL GRANT	335,000	97,430	29%	237,570	20,698	76,732
BLDGS & GRDS (CITY HALL)	36,000	30,000	83%	6,000	27,000	3,000
LEVEE ACCREDITATION	146,250	- 0 -	0%	146,250	- 0 -	- 0 -
CIVIC CENTER	304,708	143,508	47%	161,200	99,745	43,763
LIBRARY	49,787	88,094	177%	(38,307)	76,853	11,241
PUBLIC PROPERTIES	27,250	27,142	100%	108	35,020	(7,878)
CEMETERY	50,000	73,575	147%	(23,575)	60,975	12,600
GOLF COURSE	338,300	397,430	117%	(59,130)	337,483	59,947
NEW PARK DEVELOPMENT	80	609	761%	(529)	74	535
NEW CEMETERY DEVELOPMENT	250	1,831	732%	(1,581)	221	1,610
GUTHMAN TRUST - REGULAR	400	439	110%	(39)	278	161
GUTHMAN TRUST - PAVING	30	194	646%	(164)	23	171
PERPETUAL CARE - PRINCIPAL	8,000	8,550	107%	(550)	8,850	(300)
PERPETUAL CARE - INTEREST	320	2,464	770%	(2,144)	282	2,182
BLDGS & GRDS (OTHER)	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
BUILDING INSPECTION	82,750	130,409	158%	(47,659)	164,728	(34,319)
FIRE	530,000	133,414	25%	396,586	77	133,337
FIRE EQUIPMENT SINKING FUND	62,300	58,839	94%	3,461	15,903	42,936
TREE BOARD	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
PLANNING COMMISSION	5,100	3,837	75%	1,263	45,914	(42,077)
ENGINEER	118,143	- 0 -	0%	- 0 -	- 0 -	- 0 -
DOWDING POOL	81,000	74,459	92%	6,541	77,938	(3,479)
CONCESSION STAND	900	- 0 -	0%	900	- 0 -	- 0 -
SWIMMING LESSONS	16,000	15,099	94%	901	15,126	(27)
RECREATION	37,550	40,251	107%	(2,701)	29,552	10,699
SPORTS COMPLEX LIGHTS	50	376	753%	(326)	46	330
SENIOR CENTER	80,500	62,314	77%	18,186	59,375	2,939
SENIOR SHUTTLE	4,569	3,805	83%	764	2,943	862
RECYCLING	4,000	525	13%	3,475	9,424	(8,899)
WELLNESS CENTER	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
ECONOMIC DEVELOPMENT (LB840)	284,799	225,404	79%	59,395	211,127	14,277
CAPITAL IMPROVEMENTS FUND	18,890,000	331,651	2%	18,558,349	- 0 -	331,651
TAX INCREMENT FINANCING	687,206	564,091	82%	123,115	527,010	37,081
TOTAL GOVERNMENTAL FUNDS	31,560,110	11,296,536	36%	20,145,431	8,370,483	2,926,053
	(UNAUDITED)					

TREASURER'S REPORT		MONTH OF: JULY 2023				
VARIANCE AT: 83.33%						
	EXPENDITURES	CURRENT YTD		UNEXPENDED	PREVIOUS YTD	DIFFERENCE
DEPARTMENT	BUDGET	EXPENDITURES	VARIANCE	BALANCE	EXPENDITURES	B/W BUDGET YEARS
ELECTRIC	12,851,033	8,696,842	68%	4,154,191	8,067,440	629,402
ELEC BOND PYMT	496,408	458,275	92%	38,133	452,430	5,845
WATER	5,352,181	2,557,810	48%	2,794,371	1,278,920	1,278,890
WATER BOND PYMTS	330,473	330,472	100%	1	329,284	1,188
WATER SINKING FUND	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
WASTEWATER TREATMENT	2,567,932	2,299,199	90%	268,733	1,413,367	885,832
WWTW BOND PYMT	294,463	12,381	4%	282,082	12,779	(398)
WWTW SINKING FUND	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
TOTAL BUSINESS-TYPE FUNDS	21,892,490	14,354,980	66%	7,537,510	11,554,220	2,800,760
GENERAL EXPENSES	2,785,801	2,654,352	95%	131,449	1,144,212	1,510,140
LEGAL	72,852	53,519	73%	19,333	50,557	2,962
POLICE	1,757,394	1,346,511	77%	410,883	1,180,672	165,839
E911	233,204	194,337	83%	38,867	159,493	34,844
POLICE EQUITABLE SHARING	- 0 -	- 0 -	0%	- 0 -	4,464	(4,464)
STREET	5,335,795	1,841,736	35%	3,494,059	2,109,043	(267,307)
STREET STP FUNDS	182,589	190,480	104%	(7,891)	154,462	36,018
DEBT SERVICE	1,047,926	987,599	94%	60,327	1,012,778	(25,179)
RAIL CAMPUS	35,500	28,146	79%	7,354	8,381	19,765
CDBG ECON. DEV. LOAN FUND	- 0 -	- 0 -	0%	- 0 -	27	(27)
CDBG-DOWNTOWN REVITAL GRANT	335,000	97,430	29%	237,570	20,698	76,732
BLDGS & GRDS (CITY HALL)	23,826	14,372	60%	9,454	23,140	(8,768)
LEVEE ACCREDITATION	195,000	11,841	6%	183,159	- 0 -	11,841
CIVIC CENTER	304,708	211,797	70%	92,911	107,629	104,168
LIBRARY	571,336	661,001	116%	(89,665)	453,857	207,144
PUBLIC PROPERTIES	581,757	474,314	82%	107,443	382,111	92,203
CEMETERY	256,210	191,078	75%	65,132	162,559	28,519
GOLF COURSE	554,926	450,172	81%	104,754	433,247	16,925
NEW PARK DEVELOPMENT	100	79	0%	21	195	(116)
NEW CEMETERY DEVELOPMENT	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
GUTHMAN TRUST - REGULAR	145	- 0 -	0%	145	145	(145)
GUTHMAN TRUST - PAVING	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
PERPETUAL CARE - PRINCIPAL	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
PERPETUAL CARE - INTEREST	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
BLDGS & GRDS (OTHER)	11,050	2,588	23%	8,462	3,918	(1,330)
BUILDING INSPECTION	111,406	72,177	65%	39,229	73,716	(1,539)
FIRE	775,879	203,228	26%	572,651	96,043	107,185
FIRE EQUIPMENT SINKING FUND	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
TREE BOARD	12,550	812	6%	11,738	510	302
PLANNING COMMISSION	23,828	15,042	63%	8,786	18,907	(3,865)
ENGINEER	157,522	122,448	78%	- 0 -	124,638	(2,190)
DOWDING POOL	266,515	191,961	72%	74,554	190,145	1,816
CONCESSION STAND	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
SWIMMING LESSONS	9,036	6,869	76%	2,167	7,964	(1,095)
RECREATION	363,259	356,806	98%	6,453	256,583	100,223
SPORTS COMPLEX LIGHTS	- 0 -	- 0 -	0%	- 0 -	- 0 -	- 0 -
SENIOR CENTER	219,128	136,011	62%	83,117	137,762	(1,751)
SENIOR SHUTTLE	4,569	3,447	75%	1,122	4,444	(997)
RECYCLING	113,675	22,073	19%	91,602	18,599	3,474
WELLNESS CENTER	24,281	18,918	78%	5,363	- 0 -	18,918
ECONOMIC DEVELOPMENT LB840	284,799	125,000	44%	159,799	50,012	74,988
CAPITAL IMPROVEMENTS FUND	18,890,000	20	0%	18,889,980	- 0 -	20
TAX INCREMENT FINANCING	696,706	519,434	75%	177,272	535,973	(16,539)
TOTAL GOVERNMENTAL FUNDS	36,238,272	11,205,599	31%	24,997,599	8,926,884	2,278,715
(UNAUDITED)						

3. Claims & Payables Reports

CLAIMS LIST

8-15-23

COUNCIL MEETING

Abbreviations: BE, Benefits; BU, Building Upkeep; CI, Capital Improvements; DO, Donations; EQ, Equipment; EX, Expense; FA, Fixed Asset; GS, Gas; GU, Ground Upkeep; IT, Technology; IV, Inventory; MA, Maintenance; MC, Miscellaneous; MH, Merchandise; MI, Mileage; ML, Meals; MS, Memberships; OI, Oil; OP, Operations; PO, Postage; PU, Publications; RE, Repairs; RI, Reimbursement; SA, Salaries, SE, Services; SL, Sales; ST, Sales Tax; SU, Supplies; TG, Training; TO, Tools; TR, Transfer; UN, Uniforms; UT, Utilities.

Advanced Fire & Safety	BU	204.98
AKRS Equipment Inc	RE	385.66
All Copy Products Inc	MA	23.09
Amazon Business	SU	219.81
Anderson Ben	SE	150.00
Aqua-Chem Inc	MA	3,468.90
AT&T Mobility	OP	176.44
Badger Meter	SE	233.85
Baker & Taylor	SU	2,517.06
Baker Becky J	MI	153.27
Bargmann Derek	MI	51.54
Beaver Hardware	SU	127.17
Beran Heidi	SE	150.00
Bern's Body Shop	RE	1,890.04
Blackburn Manufacturing C	SU	8.25
Blackledge Ross	SE	145.00
Border States Industries	IV	17,754.04
Bruss Cody	SE	145.00
Burlington Northern Santa	MC	1,810.70
C N A Surety	MS	40.00
Campbell Cleaning	SE	350.00
Carlson Curtis	SE	145.00
Carr Shawn	SE	323.00
Cash-Wa Distributing Co	SU	969.73
City Seward Electric Fund	UT	57,915.86
City Seward Library Petty	PO	106.30
City Seward Merchant Serv	SE	4,513.08
City Seward Payroll Accou	SA	230,044.70
City Seward Perpetual Fd	SL	1,650.00
Clark Enersen Partners	FA	7,582.32
Colonial Research	BU	245.66
Constellation Newenergy	UT	38.62
Custom Products Corp	SU	188.16
Cuttin It Close Lawncare	GU	1,620.00
Danko Emergency Equipment	EQ	889.77
Davis Design	FA	7,587.50
Defreece Tommy	SE	125.00
Eames Kim	SE	200.00
Electronic Contracting Co	BU	240.00

Emergency Medical Product	EQ	598.51
Exchange Bank	FA	3,300.00
Faller Landscape	GU	63.00
Farmers Coop Seward	GS	8,452.65
Fast Mart	GS	37.33
Fastenal Company	SU	9.87
G & P Development Landfil	SE	30.61
Galls LLC	UN	263.19
Gehring Construction	CI	632,614.52
Gerhold Concrete Co Inc	CI	10,367.36
Goldsmith Tree Service	SE	2,000.00
Green Pro Solutions	GU	499.20
H&S Plumb Heat & Air Inc	BU	1,219.66
Hansen Jen	SE	125.00
Hauder Alex	SE	250.00
Helmink Printing/Grph Inc	SU	2,625.00
Hennig-Bremer Gloria	RI	5,008.16
Herpolsheimer's Inc	RE	98.90
Hireright LLC	SE	40.45
Hobson Automotive & Tire	RE	247.95
Home Depot Pro	SU	101.34
Husker Electric Supply Co	IV	26,594.57
JEO Consulting Group	FA	25,820.00
K & Z Distributing	SU	289.00
Kaspar Jason	SE	150.00
Klefeker Stephanie	MC	45.00
Last Mile Network Consult	IT	90.00
League Ne Municipalities	MS	27,616.00
League Ne Mun-Utilities	MS	4,800.00
Lee's Refrigeration	BU	263.35
Lynn Peavey Co	SU	79.31
Maguire Iron Inc	CI	572,612.77
Malander Jessica	MC	40.00
Marlin's Plumbing Heating	BU	92.50
Matheson Tri-Gas Inc	OP	139.76
Maxwell John	SE	145.00
Menards North	SU	1,040.99
Mid-American Benefits Inc	BE	3,397.84
Midwest Laboratories Inc	MA	1,035.98
Municipal Supply Omaha	RE	1,077.05
Nebraska Equipment Inc	RE	1,630.50
Nebraska Golf Association	MS	23.00
Nebraska Library Commissi	MS	736.30
Nebraska Liquor Control	MS	45.00
Nebraska Notary Associati	MS	152.18
Nebraska Nursery & Landsc	TG	65.00
Nebraska Pub Pow-Desmoine	UT	660,462.90
Nebraska Treasurer	OP	12.20
Norris Public Power Distr	UT	1,704.51
O C L C Inc	MS	781.88

Olsson	CI	4,959.31
One Billing Solutions Llc	SE	5,000.15
One Call Concepts Inc	SE	227.18
One Source Background Che	SE	57.00
O'Reilly Automotive Inc	OI	125.08
Pac 'N' Save Discount Foo	ML	4,017.21
Paper Tiger Shredding	SE	60.00
Paul Davis	BU	7,889.92
Plunkett's Pest Control	BU	69.65
Primary Arms	FA	4,406.49
Quality Brands Of Lincoln	SU	763.98
Quill Corp	SU	412.94
Resco	IV	44,387.50
Riverside Portables Llc	SE	365.00
Ruether Dillon	SE	250.00
Sampson Construction Co	BU	11,658.50
Schemmer Architects Engin	CI	5,061.92
Seward Co Chamber/Develop	MC	3,368.02
Seward County Clerk/Reg D	SE	44.00
Seward County Ema	SU	3.00
Seward County Independent	PU	741.56
Seward County Treasurer	SE	19,433.67
Seward Lumber & Home Cent	SU	366.34
Seward Public Schools	MC	19.00
Seward Wind LLC	UT	21,580.09
Short Elliott Hendrickson	CI	24,337.41
Sinclair Hille	SE	2,223.74
Sonetics	TO	225.93
Sports Express	SU	341.30
State Distributing Co	SU	657.21
Steckler Alex	SE	300.00
Steckler Mike	SE	300.00
Suhr & Lichty Insurance A	MS	3,690.00
Terracon Inc	CI	411.00
The Sprinkler Guy	CI	471.65
Tractor Supply	TO	4.96
Transunion Risk	SE	75.00
Trimax Mowing Systems	RE	354.12
Troy Billy	SE	225.00
Truck Center Companies	RE	1,067.02
Uribe Refuse Services Inc	SE	12,000.00
Varner Marilyn D	SE	20.00
Verizon Wireless	SE	279.21
Visa - Pinnacle Bank		2,275.82
BHM World Herald	MS	1,053.00
Demco	SU	301.37
Dollar Tree	SU	14.75
The Library Store	SU	231.20
Menards	SU	17.74
NextLink	SE	115.00

Sam's Club	SU	142.99	
Techsoup	SE	3.00	
Walmart	SU	380.78	
Zoom	MS	15.99	
Voehl Cindy	MI		26.20
Wesco Distribution Inc	IV		63,097.13
White Cap	EQ		805.14
Windstream Nebraska Inc	SE		1,774.41
Woods & Aitken Llp	TG		2,650.00
Wortman, Niki	MC		15.00
Zimco Supply Co	MA		3,096.67
	CLAIMS TOTAL		\$2,599,276.22

4. Police Department Report



City of Seward Police Department

Monthly Statistics July 2023

Service Calls	598
Accidents	6
Arrests	20
Citations	41
Warnings	82
Parking Tickets	15

Does not include red tag warnings, yellow tag warnings or verbal warnings

5. Draft Minutes of August 1, 2023, City Council Meeting

August 1, 2023

The Seward City Council met at 7:00 p.m. on Tuesday, August 1, 2023, with Mayor Joshua Eickmeier presiding and City Clerk Derek Bargmann recording the proceedings. Upon roll call, the following Councilmembers were present: Megan Kahler, Jessica Kolterman, Karl Miller, John Singleton, Matt Stryson, Tatum Tonniges, Rich Wergin, Jonathon Wilken. Councilmembers Absent: None. Other officials present: Building/Zoning & Code Enf. Director Dworak, Electric Superintendent Larry Ruether, Electric Line Crew Chief Jared Hochstein, City Engineer Mike Oneby, Connor Madsen (City Attorney's Office) and Police Sergeant Allison Sommerfeld.

Notice of the meeting was given in advance thereof, and Mayor Eickmeier announced that a copy of the Open Meetings Act and tonight's agenda is posted in the meeting room and is accessible to members of the public. Mayor Eickmeier led those in attendance in the Pledge of Allegiance.

CONSENT AGENDA CONSIDERATION ITEMS

The following Consent Agenda items were approved in one single motion made by Councilmember Stryson, seconded by Councilmember Wergin.

1. Claims & Payables Report (totaling \$368,801.56)
2. Draft Minutes of July 18, 2023, Council Meeting

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin, Wilken.
Nay: None. Absent: None. Motion carried.

ADMINISTRATIVE ITEMS

1. CONSIDERATION OF A CLAIM FROM DAN VENTRE, 346 S 3RD STREET, FOR PERSONAL PROPERTY DAMAGE IN THE AMOUNT OF \$3,060.96

City Clerk Bargmann informed the alleged incident involved the Electric Department and the recommendation from Administration is to forward to the insurance carrier for determination.

Councilmember Wergin moved, seconded by Councilmember Kolterman, to forward the claim to the City's insurance carrier for consideration.

Aye: Kahler, Kolterman, Miller, Singelton, Stryson, Tonniges, Wergin, Wilken.
Nay: None. Absent: None. Motion carried.

2. SEWARD FOUNDATION APPLICATION:

A. SEWARD COUNTY CHAMBER & DEVELOPMENT PARTNERSHIP (SCCDP) – DOWNTOWN SOUND SYSTEM - \$3,688.22

Donna Hendrickson (SCCDP) described the request as a project to bring a permanent sound system to the downtown area which will help with sound amplification during annual events. Additionally, the speakers would make it possible to regularly stream music to improve the overall atmosphere for visitors. Councilmember Miller inquired if the project was associated with the 5th Street Summer Music Series, to which Ms. Hendrickson replied it was not.

Councilmember Kolterman moved, seconded by Councilmember Singleton, to recommend forwarding the application to the Seward Foundation for further consideration.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin, Wilken.
Nay: None. Absent: None. Motion carried.

3. CONSIDERATION OF QUOTES FROM ALTEC FOR CAPITAL ASSETS WITHIN THE ELECTRIC DEPARTMENT TO BE INCLUDED IN FUTURE BUDGET YEARS

Mayor Eickmeier noted that City Attorney Hoffschneider has recommended the Council take no action at this time as he is researching the legality of committing these assets to a future council. Electric Line Crew Chief Hochstein identified the need for the Electric Department to replace three outdated trucks and that lead times from suppliers is approximately 39-67 months. As such, they are hoping to move forward with order placement as soon as possible to ensure capital replacement in a timely manner.

Councilmember Miller moved, seconded by Councilmember Wergin, to table approval of the Altec order placement until City Attorney Hoffschneider has had a chance to develop a legal opinion.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin, Wilken.
Nay: None. Absent: None. Motion carried.

4. FINAL ACCEPTANCE OF PRAIRIE VIEW SUBDIVISION

August 1, 2023

Building/Zoning & Code Enf. Director Dworak stated as per ULDO 410-42.7 the City must confirm the developer's completion of improvements to a subdivision. In review with all necessary City officials, it is the opinion of City staff that the developer has satisfied all requirements.

Councilmember Miller moved, seconded by Councilmember Singleton, to accept the Prairie View subdivision as recommended by City staff.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin. Wilken.
Nay: None. Absent: None. Motion carried.

5. ACKNOWLEDGE RECEIPT OF AIRPORT AUTHORITY RESOLUTION REQUESTING LEVY AUTHORITY FOR 2023-2024 FISCAL YEAR

Councilmember Miller moved, seconded by Councilmember Singleton, to acknowledge receipt of the Airport Authority's resolution requesting levy authority for fiscal year 2023-2024.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin. Wilken.
Nay: None. Absent: None. Motion carried.

6. CONSIDERATION OF THE FOLLOWING REVISIONS TO THE EMPLOYEE HANDBOOK:

A. ITEM '3.2A WORKING OUT OF CLASSIFICATION'

Mr. Bargmann described the change as increasing the temporary compensation amount for a salaried position to 20% for an employee who is covering for a higher job classification. It was identified that currently there is only the possibility of a 5% increase; however, Administration feels that is too low to retain employee morale in the case of a prolonged absence. This change would allow, at the discretion of the City Administrator, to increase temporary compensation in these circumstances. Moreover, for hourly employees, the Administration requests discretion for the ability to temporarily increase wages by 10% in the case of prolonged vacancies if an employee is performing duties of a higher classification.

Councilmember Singleton moved, seconded by Councilmember Kolterman, to approve the change to item '3.2a Working out of Classification' as presented.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin. Wilken.
Nay: None. Absent: None. Motion carried.

B. ITEM '3.8.3 CALL-BACK TIME'

Mr. Bargmann described the change as a clarification to ensure the handbook matches actual practice. The City compensates at double-time during the actual, not observed holiday.

Councilmember Kolterman moved, seconded by Councilmember Wergin, to approve the change to item '3.8.3 Call-Back Time' as presented.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin. Wilken.
Nay: None. Absent: None. Motion carried.

7. CONSIDERATION OF A RESOLUTION DESIGNATING CITY ITEMS AS SURPLUS

Councilmember Stryson introduced **Resolution 2023-8**, to designate City items as surplus. Councilmember Kolterman moved, seconded by Councilmember Singleton, to approve Resolution 2023-8.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wilken, Wergin.
Nay: None. Absent: None. Motion carried.

8. PRESENTATION OF THE CIVIC CENTER RENOVATION PLAN

Rick Endicott and Mark Kolterman of the Civic Center Commission presented the renovation plan as devised by Clark & Enersen. The Commission feels Phase I & II could be accomplished with the funds they currently have, with Phase III to possibly occur in a few years. Mayor Eickmeier thanked the group for their work on the plan and expressed excitement over the proposed upgrades.

Councilmember Stryson moved, seconded by Councilmember Wergin, to approve the Civic Center renovation plan as presented.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin. Wilken.
Nay: None. Absent: None. Motion carried.

CITY ADMINISTRATOR'S REPORT

Mr. Bargmann presented the report in place of City Administrator Butcher. It was noted that a number of items would be upcoming for the FY2023-2024 budget as well as the Wellness Center platting.

August 1, 2023

Councilmember Kolterman moved, seconded by Councilmember Singleton, that the City Administrator's report of August 1, 2023, be accepted.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin. Wilken.

Nay: None. Absent: None. Motion carried.

ANNOUNCEMENT OF UPCOMING EVENTS

Seward County Fair – August 9-13th

MOTION TO ADJOURN

Councilmember Kolterman moved, seconded by Councilmember Wergin, that the August 1, 2023, City Council Meeting be adjourned.

Aye: Kahler, Kolterman, Miller, Singleton, Stryson, Tonniges, Wergin. Wilken.

Nay: None. Absent: None. Motion carried.

Adjourned approximately 7:57 p.m.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Derek Bargmann
City Clerk

6. Mayor's Appointments to Boards and Commissions:

A. Appoint Haley Goodrich to the Seward Volunteer Fire Department Roster

MAYOR APPOINTMENT OF CITY EMPLOYEE

1. Appointment of Cydnee Golden to serve as Finance Director/Treasurer - City Administrator Butcher

PUBLIC HEARINGS

1. Public Hearing - 7:00 PM - Consideration of an Ordinance to Dedicate Right-of-Way, North of Waverly Road from 266th to 280th Road - Building/Zoning & Code Enf. Director Dworak

Return to:
City of Seward
PO BOX 38
Seward, NE 68434

ORDINANCE NO. 2023-16

AN ORDINANCE TO DECLARE A PARCEL OF CITY OWNED PROPERTY LYING NORTH OF WAVERLY ROAD BETWEEN 266TH ROAD AND 280TH ROAD AS DEDICATED CITY RIGHT-OF-WAY. AS HEREINAFTER SET FORTH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. **CITY RIGHT-OF-WAY DEDICATED**. The dedication of a portion of the South Half of Section 9, Township 11 North, Range 3 East of the 6th P.M., Seward County Nebraska, described is hereby declared as City Right-of-Way:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 ON AND ASSUMED BEARING OF SOUTH 89 DEGREES 03 MINUTES 00 SECONDS EAST, A DISTANCE OF 69.49 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 22 MINUTES 25 SECONDS EAST, ALONG A LINE THAT IS 70.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH 89 DEGREES 03 MINUTES 00 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 2,574.70 FEET TO A POINT; THENCE SOUTH 89 DEGREES 25 MINUTES 03 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 2,647.43 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 11.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 03 SECONDS WEST, ALONG A LINE THAT IS 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1292.30 FEET TO A POINT; THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST A DISTANCE OF 22.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 03 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1355.03 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER,

A DISTANCE OF 544.98 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 18 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST ALONG A LINE THAT IS 51.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF DISTANCE OF 2,029.89 FEET TO THE POINT OF BEGINNING

Section 2. **Petition of Owner.** The declaration of said Right-of-Way is granted upon the petition of the City of Seward said declaration is deemed to be advantageous and in the best interest of the municipality.

Section 4. **Filing and Recording of Ordinance.** A certified copy of this ordinance shall be recorded in the office of the Register of Deeds.

Section 5. **Pamphlet form; publication; when operative.** This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law and City Ordinance.

Passed and approved this _____ day of _____, 2023.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Attest:

Derek Bargmann
City Clerk

City of Seward Planning Commission
142 N 7th St, Seward, NE 68434

Staff Report
Tim Dworak, Building/Zoning &
Code Enforcement Director
402-643-2928 opt 3 opt 1

<u>APPLICATION TYPE</u>	<u>FINAL ACTION?</u>	<u>DEVELOPER/OWNER</u>
ROW Dedication		City of Seward

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
August 14, 2023		PID 800227310, AG, Agriculture

ADJACENT ZONING DISTRICTS/USE:

North, AG, Agriculture – Wake & Co, Inc.

East, AG, Agriculture – Virginia Hughes

South, R-1, Residential – Sharon Luebbe, Seward School District Middle School, Virginia Link, Lawrence & Bethany Geyer, Nathan & Tammy Klenke, Isaac & Christa Thorne, Roger & Theresa Montag, Jacob & Stacey Parr, Nicholas & Kristy Bauer

South, R-2. Residential – Halee Emerson, City of Seward

South, R-4, Cemetery – Seward Cemetery Association of Seward NE

West, AG, Agriculture – Andrew Eberspacher

BRIEF SUMMARY OF REQUEST:

An Ordinance to dedicate City of Seward property to Right-of-Way.



APPLICATION CONTACT

City of Seward

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Use type matches with the comprehensive plan.

ANALYSIS

This is dedication of City owned property on the north side of Waverly Road to Right-of-Way. Utilities currently occupy portions of this property already and the proposed bike trail initially planned for this stretch has been relocated to the south side of Waverly Road.

With the annexation of Wake & Co Addition, a sliver of this property would have needed to be dedicated to avoid the possibility of spot zoning. The decision was made to move forward with the dedication of the whole property to prepare it for future development.

APPROXIMATE LAND AREA:

2.46 acres or 107,157.6 square feet +/-

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 ON AND ASSUMED BEARING OF SOUTH 89 DEGREES 03 MINUTES 00 SECONDS EAST, A DISTANCE OF 69.49 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 22 MINUTES 25 SECONDS EAST, ALONG A LINE THAT IS 70.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH 89 DEGREES 03 MINUTES 00 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 2,574.70 FEET TO A POINT; THENCE SOUTH 89 DEGREES 25 MINUTES 03 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 2,647.43 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 11.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 03 SECONDS WEST, ALONG A LINE THAT IS 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1292.30 FEET TO A POINT; THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST A DISTANCE OF 22.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 03 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1355.03 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 544.98 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A

DISTANCE OF 18 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST ALONG A LINE THAT IS 51.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF DISTANCE OF 2,029.89 FEET TO THE POINT OF BEGINNING. (PID 800227310)

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

2. Public Hearing - 7:00 PM - Consideration of an Ordinance Approving the Preliminary and Final Plat of Wake & Co Addition - Building/Zoning & Code Enf. Director Dworak

Return To:
City of Seward
PO BOX 38
Seward, NE 68434

ORDINANCE NO. 2023-17

AN ORDINANCE TO APPROVE THE PLAT ENTITLED "WAKE & CO. ADDITION", A PLAT OF LAND LOCATED IN THE SE1/4 OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA," AS HEREINAFTER SET FORTH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. Plat and Dedication Approved. The Plat and dedication of the following described real estate is hereby approved:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06"W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06"W 788.99'; THENCE NORTHERLY, N 0°00'00"E 245.79'; THENCE NORTHERLY, N 2°40'19"E 150.16'; THENCE NORTHERLY, N 0°00'00"E 71.99'; THENCE EASTERLY, N 90°00'00"E 66.00'; THENCE NORTHEASTERLY, N 46°00'11"E 278.82'; THENCE EASTERLY, N 88°41'06"E 500.31'; THENCE SOUTHERLY, S 1°18'54"E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS.

Section 2. Plat Designated. The plat of said real estate is hereby designated as "WAKE & CO. ADDITION", City of Seward, Seward County, Nebraska."

Section 3. Filing and Recording of Plat. An accurate plat of said real estate as platted and dedicated as heretofore set forth, certified to by an Engineer or Surveyor, together with a certified copy of this Ordinance shall be filed in the office of the Seward County Clerk, Seward, Nebraska.

Section 4. Pamphlet form; publication; when operative. This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law and City Ordinance.

Passed and approved this _____ day of _____, 2023.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Attest:

Derek Bargmann
City Clerk

WAKE & CO. ADDITION

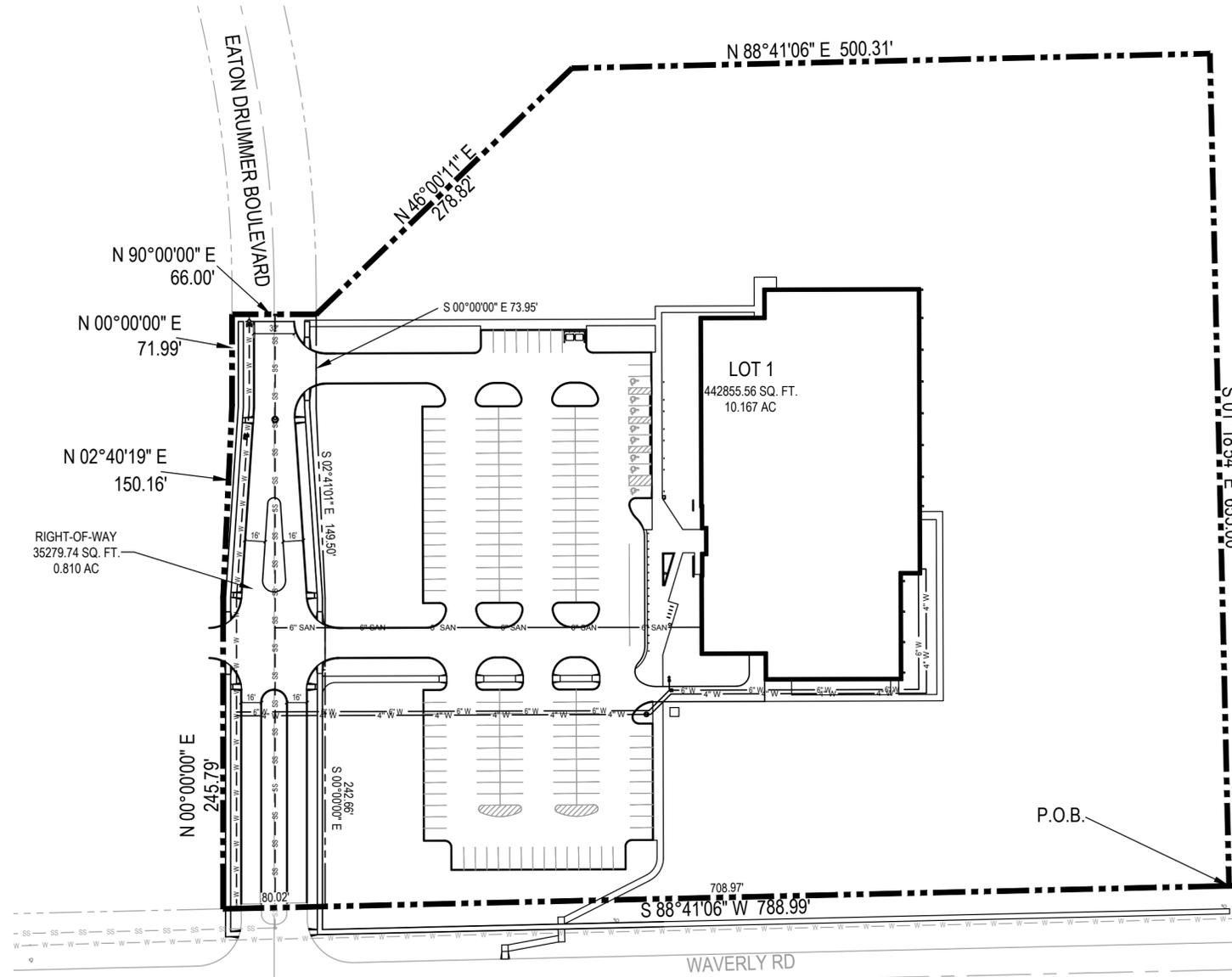
CHANGE OF ZONE, ANNEXATION, PRELIMINARY PLAT & FINAL PLAT LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06" W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06" W 788.99'; THENCE NORTHERLY, N 0°00'00" E 245.79'; THENCE NORTHERLY, N 2°40'19" E 150.16'; THENCE NORTHERLY, N 0°00'00" E 71.99'; THENCE EASTERLY, N 90°00'00" E 66.00'; THENCE NORTHEASTERLY, N 46°00'11" E 278.82'; THENCE EASTERLY, N 88°41'06" E 500.31'; THENCE SOUTHERLY, S 1°18'54" E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS.

LEGEND

	PROPOSED PROPERTY LINE
	EXISTING PROPERTY LINE
	LIMITS OF PLAT
	ROADWAY CENTERLINE
	ROADWAY BACK-OF-CURB
	WATER MAIN W/ HYDRANT
	SANITARY SEWER W/ MANHOLES
	FOUND MONUMENT
	SET MONUMENT (#5 REBAR & CAP)



VICINITY MAP
NO SCALE

APPROVAL OF THE CITY OF SEWARD PLANNING COMMISSION:

THE FOREGOING PLAT "WAKE & CO. ADDITION" HAS BEEN SUBMITTED AND WAS APPROVED BY THE SEWARD PLANNING COMMISSION ON THIS _____ DAY OF _____, 2023

CHAIRPERSON _____
 SECRETARY OF PLANNING COMMISSION _____

APPROVAL OF THE CITY OF SEWARD ZONING ADMINISTRATION:

THE FOREGOING PLAT "WAKE & CO. ADDITION" HAS BEEN SUBMITTED TO AND WAS APPROVED BY THE SEWARD PLANNING COMMISSION ON THIS _____ DAY OF _____, 2023

SEWARD ZONING ADMINISTRATOR _____

APPROVAL OF THE SEWARD CITY COUNCIL:

THE FOREGOING PLAT "WAKE & CO. ADDITION" HAS BEEN SUBMITTED TO AND WAS APPROVED BY THE SEWARD CITY COUNCIL ON THIS _____ DAY OF _____, 2023

MAYOR _____
 ATTEST : CITY CLERK _____

OWNER/DEVELOPER

MAX WAKE
 WAKE & COMPANY INCORPORATED
 203 S. 6TH STREET
 SEWARD NE, 68434

ENGINEER & PREPARER

CLARK & ENERSEN
 1010 LINCOLN MALL
 SUITE 200
 LINCOLN, NE 68508
 COA NO. CA0029AE

ZONING INFORMATION:

CURRENT ZONING OF SUBJECT TRACTS IS "AG - AGRICULTURAL".
 PROPOSED ZONING OF SUBJECT TRACTS IS "C-1 - COMMERCIAL".

Wake & Co. Addition

Seward, NE

CE No.: 404-001-21

August 4, 2023

Site Plan

WAKE & CO ADDITION

FINAL PLAT

A MAJOR SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SEC. 9, T11N, R 3E, 6th P.M. SEWARD COUNTY, NEBRASKA

LEGAL DESCRIPTION

A MAJOR SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, SAID TRACT OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06"W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06"W 788.99'; THENCE NORTHERLY, N 0°00'00"E 245.79'; THENCE NORTHERLY, N 2°40'19"E 150.16'; THENCE NORTHERLY, N 0°00'00"E 71.99'; THENCE EASTERLY, N 90°00'00"E 66.00'; THENCE NORTHEASTERLY, N 46°00'11"E 278.82'; THENCE EASTERLY, N 88°41'06"E 500.31'; THENCE SOUTHERLY, S 1°18'54"E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SURVEYOR'S CERTIFICATE

I, BILLY JOE KERR, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION. PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL BOUNDARY CORNERS AND LOTS CORNERS AS SHOWN ON THE FINAL PLAT. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS OF A FOOT.

SIGNED THIS ____th DAY OF _____, 2023.

BILLY JOE KERR, LS#483

OWNER'S CERTIFICATION

WAKE & COMPANY INCORPORATED, OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT. THIS PLAT SHALL BE KNOWN AS "WAKE & CO ADDITION", CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED.

WITNESS OUR HAND THIS _____ DAY OF _____, 2023.

WAKE & COMPANY INCORPORATED

MAX WAKE, PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

On this ____ day of _____, 2023, before me, the undersigned, a notary public, duly commissioned, qualified for residing in said county, personally came Max Wake, President of Wake & Company Incorporated, who is personally known to be the identical person whose names is affixed to the Owners Certificate of the foregoing plat and they acknowledges the same to be there voluntary act and deed.

My commission expires the _____ day of _____, 20____.

Notary Public

E 1/4 CORNER, SEC. 9-11-3
FOUND #5 BAR PER RECORD
1) MAG NAIL IN FENCE POST, NW-40.23'
2) MAG NAIL IN FIBER POST, SW-52.71'
3) MAG NAIL IN FIBER POST, SE-57.18'
4) #5 BAR, W-39.23'

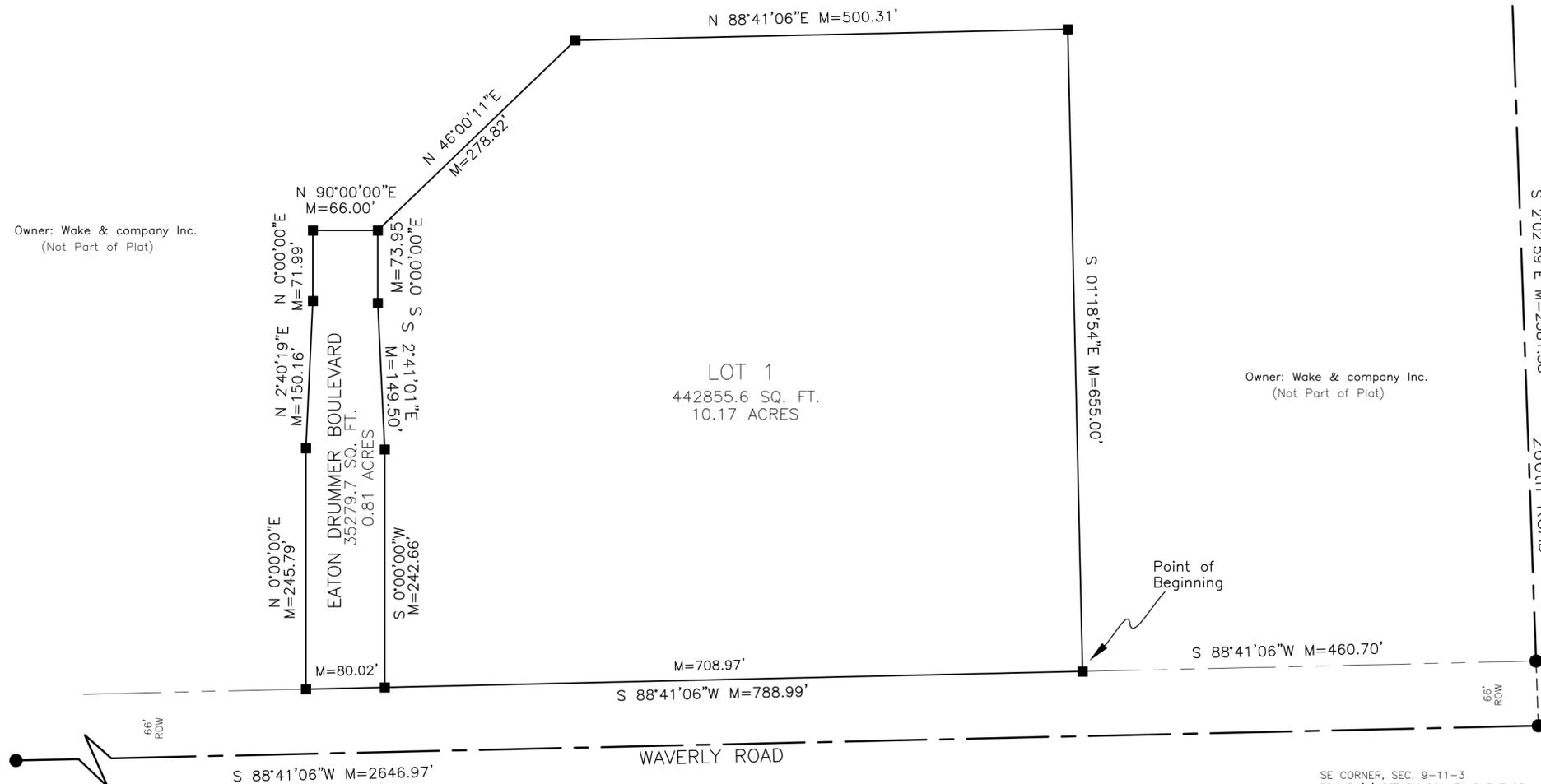
Owner: Wake & company Inc.
(Not Part of Plat)

Owner: Wake & company Inc.
(Not Part of Plat)

Owner: Wake & company Inc.
(Not Part of Plat)

S 1/4 CORNER, SEC. 9-11-3
FOUND 'X' SET BY COUNTY SURVEYOR
1) #5 BAR & CAP, N-66.00'
2) CENTER OF WATER VALVE, NE-46.45'
3) CENTER OF MANHOLE, NW-67.62'
4) #5 BAR, WSW-162.42'
5) 1" PIPE, SW-54.86'

SE CORNER, SEC. 9-11-3
FOUND 'X' SET BY COUNTY SURVEYOR
1) #5 BAR & CAP, N-66.00'
2) NAIL IN WEST SIDE PP, SE-59.24'
3) NAIL IN TELE PED, NE-68.35'
4) NAIL IN TELE PED, NW-80.77'



APPROVAL OF THE SEWARD CITY COUNCIL:

THE FOREGOING PLAT "WAKE & CO ADDITION" HAS BEEN SUBMITTED TO AND WAS APPROVED

BY THE SEWARD CITY COUNCIL ON THIS ____ day of _____, 2023.

MAYOR

ATTEST: CITY CLERK

REGISTER OF DEEDS:

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE SEWARD COUNTY REGISTER OF DEEDS OFFICE.

DATE: _____ TIME: _____ IN DRAWER No. _____

INSTRUMENT No. _____ FEE: _____

REGISTER OF DEEDS

APPROVAL OF THE CITY OF SEWARD PLANNING COMMISSION:

THE FOREGOING PLAT "WAKE & CO ADDITION" HAS BEEN SUBMITTED TO AND WAS APPROVED

BY THE SEWARD PLANNING COMMISSION ON THIS ____ day of _____, 2023.

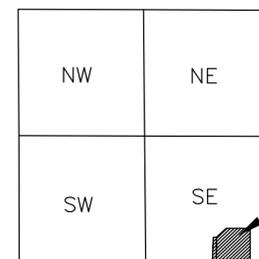
CHAIRPERSON

SECRETARY OF PLANNING COMMISSION

VICINITY MAP

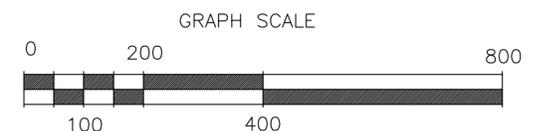
NOT TO SCALE

SCALE 1" = 100'



LEGEND

- = FOUND MONUMENT AS NOTED
- = SET MONUMENT (#5 REBAR & CAP)
- M = MEASURED DISTANCE



K & M LAND SURVEYING INC.

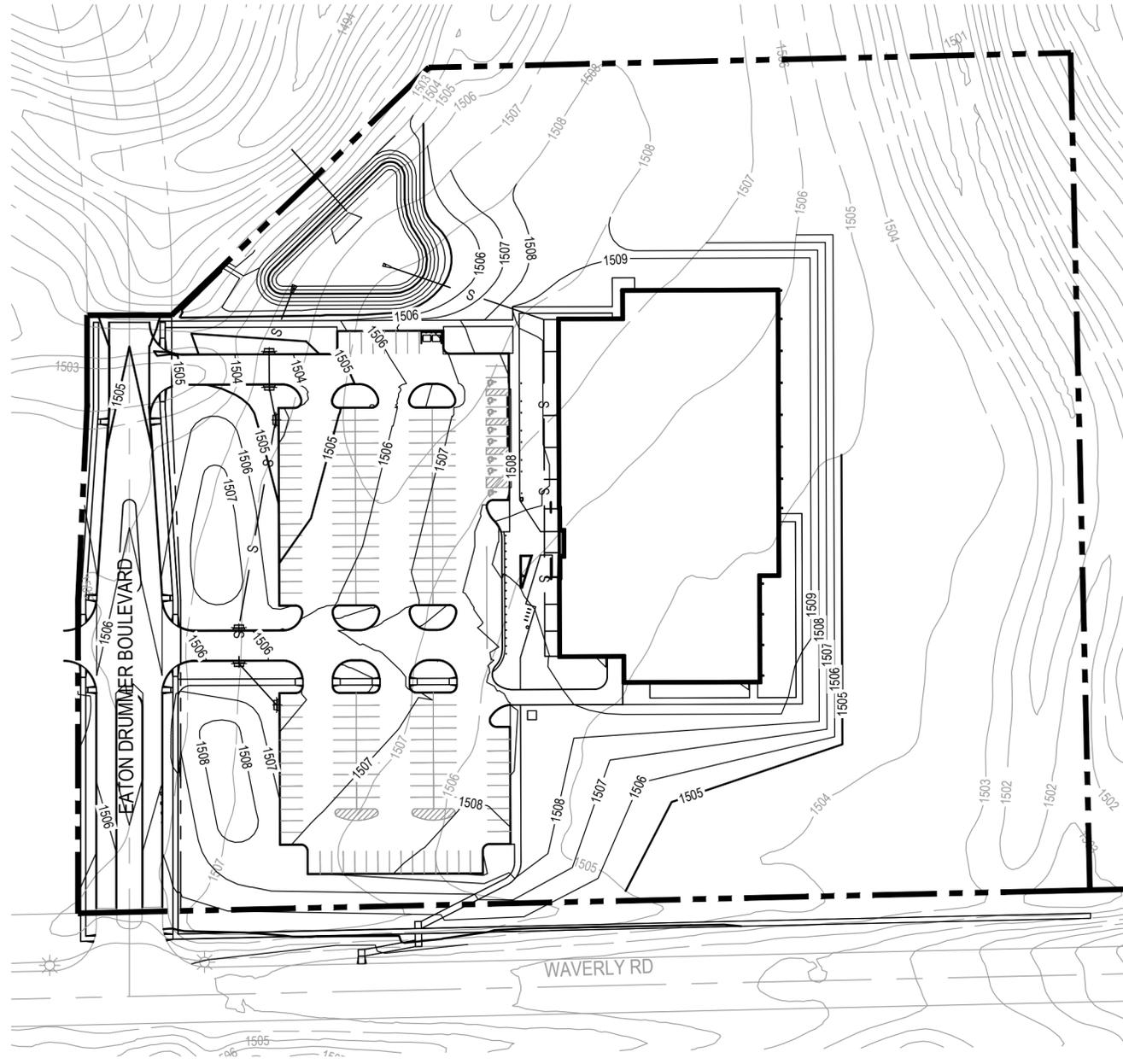
6811 SOUTHFORK CIRCLE, LINCOLN, NE 68516
PHONE (402) 476-3020 TEXT (402) 499-6580

SCALE: 1" = 200' DATE: 8-5-2023 PROJ. #2308020

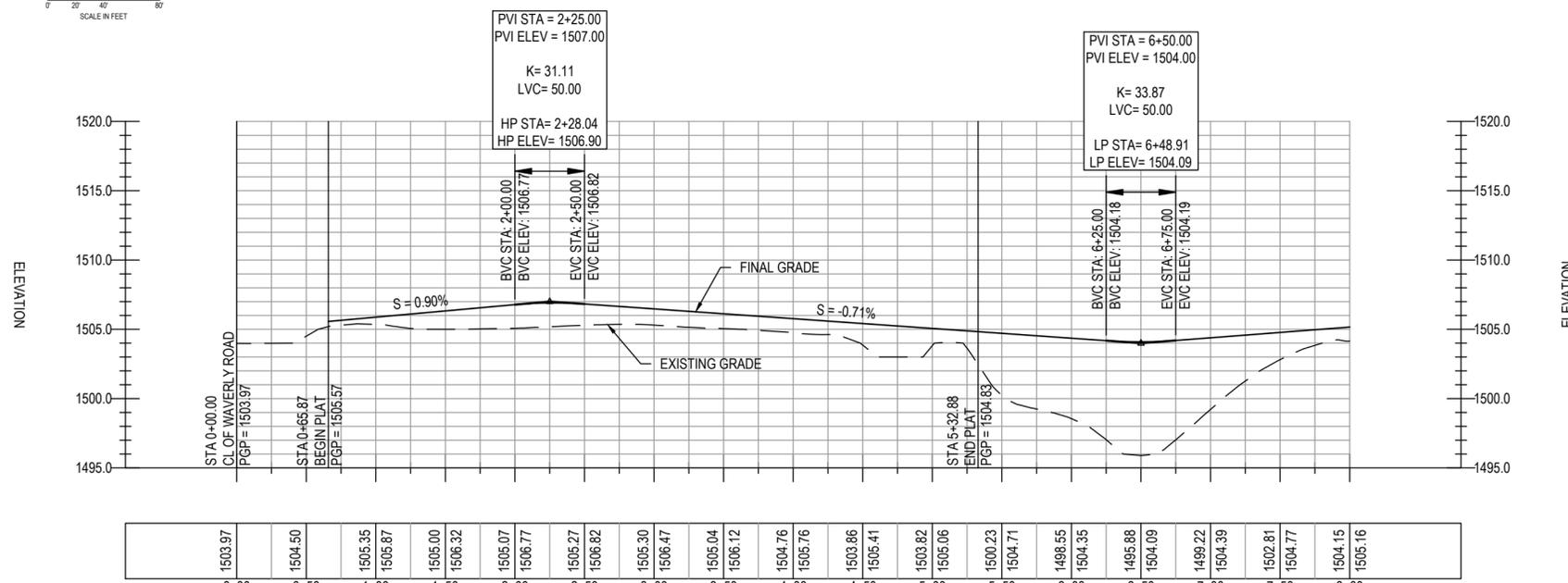
WAKE & CO. ADDITION

LEGEND

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- LIMITS OF PLAT
- ROADWAY CENTERLINE
- ROADWAY BACK-OF-CURB
- PROPOSED MAJOR CONTOUR LINE
- PROPOSED MINOR CONTOUR LINE
- EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- PROPOSED STORM SEWER



GRADING & DRAINAGE PLAN



EATON DRUMMER BLVD PROFILE

SCALE: 1" = 80' H 1" = 8' V

1503.97	1504.50	1505.35	1505.87	1505.00	1506.32	1505.07	1506.77	1505.27	1506.82	1505.30	1506.47	1505.04	1506.12	1504.76	1505.76	1503.86	1505.41	1503.82	1505.06	1500.23	1504.71	1498.55	1504.35	1495.88	1504.09	1499.22	1504.39	1502.81	1504.77	1504.15	1505.16
0+00	0+50	1+00	1+50	2+00	2+50	3+00	3+50	4+00	4+50	5+00	5+50	6+00	6+50	7+00	7+50	8+00															

Plot Time Stamp: 8 / 04 / 2023 10:17:06 AM
 File Location/Name: \\tcep-in-srv-004\400-499\404-001-21 Wake Property MPP\03_AutoCAD\Preliminary Plat\404001-Sheet 2.dwg

Wake & Co. Addition

Seward, NE

CE No.: 404-001-21

August 4, 2023



City of Seward Planning Commission
Major Subdivision Application

Application shall be submitted a minimum of 30 days prior to the City Planning Commission Meeting. City Planning Commission meets the 2nd Monday of each Month.

Date: 8-7-23 Preliminary Plat Fee: \$400 + \$40 per Lot: + Notification Fee: \$100 = Amount Due: \$500

Owner/Developer: Wake & Company, Inc. Address: 203 S. 6th St. 68434
Email: max.wake@jonesbank.com Phone: 402-643-3602
Legal Description: see attached Subdivision: Wake & Co. Addition
Project Engineer: Clark & Enersen Number of Lots: 1
Present Zoning: Ag Agriculture Requested Zoning: C-1 Commercial

Within City Limits Yes ___ No [X] NA ___
Adjacent to City Limits Yes [X] No ___ NA ___
Within 2 Mile Area Yes [X] No ___ NA ___
Annexation Requested Yes [X] No ___ NA ___
Subdivision Agreement Submitted Yes ___ No [X] NA ___
Performance Bond Required Yes ___ No [X] NA [X]

Signed by Developer: Wake & Co by Max T. Wake
Preliminary Plat Review

Staff Review

Electric Dept ___
Street Dept ___
Police Dept ___
Park/Rec Dept ___

Agency Review

Cable TV ___
Gas Co ___
Phone Co ___
School Board ___
County P.C. ___

Final Plat Fee: \$100 + \$10 per Lot: + Filing Fee: = Amount Due: \$100

Aid to Construction for Electric Department per Resolution No. 2015-25

Developer Fee \$400 Per Lot: Developer Fees - \$4 per foot of electrical line installation:

Neighborhood Park Dedication/Fees In Lieu Of (City of Seward Unified Land Development Ord. 410-41.5) See ULDO Article 41, Public Improvements & Infrastructure, 410-41.5

Section B, Parks and Reservations, to determine land or cash donation: Total Amount Due: \$600.00

Date Action Taken: Planning Commission City Council

City of Seward Planning Commission
142 N 7th St, Seward, NE 68434

Staff Report
Tim Dworak, Building/Zoning &
Code Enforcement Director
402-643-2928 opt 3 opt 1

<u>APPLICATION TYPE</u>	<u>FINAL ACTION?</u>	<u>DEVELOPER/OWNER</u>
Major Subdivision		Wake & Company, Inc./Max Wake
<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
August 14, 2023	Annex and Rezone	PID 800037952, AG, Agriculture

ADJACENT ZONING DISTRICTS/USE:

North, AG, Agriculture – Wake & Co, Inc.

East, AG, Agriculture – Wake & Co, Inc.

South, R-1, Urban Residential Single-Family – Sharon Luebbe, Seward School District Middle School

West, AG, Agriculture – Wake & Co, Inc.

BRIEF SUMMARY OF REQUEST:

A Major Subdivision preliminary and final plat review of Wake & Co Addition.



APPLICATION CONTACT

Max Wake, 402-643-3602

203 S 6th St, Seward, NE 68434

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Use type matches with the comprehensive plan.

ANALYSIS

The applicant, Max Wake and Wake and Company, LLC are providing the land for the construction of the Wellness Center. The subdivision will consist of 10.98 acres for the construction of the facility, parking and drainage retention and is located on the north side of Waverly Road. The property currently is outside the corporate limit of Seward. The applicant has submitted a voluntary annexation application request. Along with the Annexation, a rezone request from AG, Agricultural District to C-1, Community Commercial/Mixed Use District (High Density) when brought into the City.

The Subdivision will involve extending a new public boulevard named Eaton Drummer Boulevard and would require the extension of utilities along the boulevard.

A drainage study by JEO has been provided.

A public hearing notice was published, mailed to neighboring property owners, and the property was posted.

APPROXIMATE LAND AREA:

10.98 acres or 478,135.31 square feet +/-

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06"W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06"W 788.99'; THENCE NORTHERLY, N 0°00'00"E 245.79'; THENCE NORTHERLY, N 2°40'19"E 150.16'; THENCE NORTHERLY, N 0°00'00"E 71.99'; THENCE EASTERLY, N 90°00'00"E 66.00'; THENCE NORTHEASTERLY, N 46°00'11"E 278.82'; THENCE EASTERLY, N 88°41'06"E 500.31'; THENCE SOUTHERLY, S 1°18'54"E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS. (PID 800037952)

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

3. Public Hearings - 7:00 PM - Consideration of an Ordinance for Voluntary Requests for Annexation - Building/Zoning & Code Enf. Director Dworak

Return to:
City of Seward
PO BOX 38
Seward, NE 68434

ORDINANCE NO. 2023-18

AN ORDINANCE DECLARING THE ANNEXATION OF CERTAIN CONTIGUOUS AND ADJACENT TRACTS OF LAND, URBAN AND SUBURBAN IN CHARACTER, MORE SPECIFICALLY THE DEDICATED RIGHT-OF-WAY NORTH OF WAVERLY ROAD FROM 266TH ROAD TO 280TH RD, AND WAKE & CO. ADDITION TO THE CITY OF SEWARD, TO THE CORPORATE LIMITS OF THE CITY OF SEWARD, NEBRASKA, AND EXTENDING THE LIMITS THEREOF ACCORDINGLY; TO DESCRIBE THE REAL ESTATE TO BE ANNEXED AND ITS BOUNDARIES; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. TERRITORY ANNEXED; DESCRIPTION. The following described property, having been petitioned for annexation by all of the property owners of said property, is annexed to the corporate limits of the City of Seward, as follows:

Parcel 1: A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 ON AND ASSUMED BEARING OF SOUTH 89 DEGREES 03 MINTUES 00 SECONDS EAST, A DISTANCE OF 69.49 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 22 MINUTES 25 SECONDS EAST, ALONG A LINE THAT IS 70.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH 89 DEGREES 03 MINUTES 00 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 2,574.70 FEET TO A POINT; THENCE SOUTH 89 DEGREES 25 MINTUES 03 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 2,647.43 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 11.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINTUES 03 SECONDS WEST, ALONG A LINE THAT IS 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST

QUARTER, A DISTANCE OF 1292.30 FEET TO A POINT; THENCE SOUTH 00 DEGREES 34 MINTUES 57 SECONDS WEST A DISTANCE OF 22.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 03 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1355.03 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 544.98 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 18 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST ALONG A LINE THAT IS 51.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF DISTANCE OF 2,029.89 FEET TO THE POINT OF BEGINNING.

Parcel 2: A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06"W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06"W 788.99'; THENCE NORTHERLY, N 0°00'00"E 245.79'; THENCE NORTHERLY, N 2°40'19"E 150.16'; THENCE NORTHERLY, N 0°00'00"E 71.99'; THENCE EASTERLY, N 90°00'00"E 66.00'; THENCE NORTHEASTERLY, N 46°00'11"E 278.82'; THENCE EASTERLY, N 88°41'06"E 500.31'; THENCE SOUTHERLY, S 1°18'54"E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS, KNOW KNOWN AS WAKE & CO. ADDITION.

Section 2. CORPORATE LIMITS EXTENDED. The corporate limits are hereby extended to include the territory described in Section 1 of this Ordinance as part of the corporate limits of the City of Seward, Nebraska, as the same is designated, and hereby shall be part of and annexed to the City of Seward, Seward County, Nebraska.

Section 3. FILING AND RECORDING. A certified copy of this Ordinance declaring such annexation under the Seal of the City of Seward, Nebraska, shall be filed with the office of the County Clerk of Seward County, Nebraska.

Section 4. BENEFITS TO INHABITANTS. The inhabitants of the above described territory as set forth in Section 1 of this Ordinance, annexed to the corporate limits of the City of Seward Nebraska, shall receive substantially the benefits of all other inhabitants of the City and such inhabitants shall be subject to the Ordinances and Regulations of the City of Seward, Nebraska.

Section 5. PAMPHLET FORM; PUBLICATION; WHEN OPERATIVE. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as provided by law and city ordinance.

Passed and approved this _____ day of _____, 2023.

THE CITY OF SEWARD, NEBRASKA,

Joshua Eickmeier, Mayor

ATTEST:

Derek Bargmann
City Clerk

A. Wake & Co Addition

August 4, 2023

Tim Dworak
Building/Zoning & Code Enforcement Director
City of Seward, Nebraska
142 N. 7th Street
Seward, NE 68434

RE: Wake & Co. Addition
Annexation Request

Dear Mr. Dworak:

As owner representative of Wake & Company, Incorporated I am requesting annexation for the parcel of land described on the attached preliminary plat exhibit that lies outside the current annexation limits. This includes an approximate 10.98 acre portion of Section 9, Township 11 North, Range 3 East that lies north of Waverly Road.

Please contact me if you have any questions or require additional information.

Sincerely,

Max Wake

City of Seward Planning Commission
142 N 7th St, Seward, NE 68434

Staff Report
Tim Dworak, Building/Zoning &
Code Enforcement Director
402-643-2928 opt 3 opt 1

<u>APPLICATION TYPE</u>	<u>FINAL ACTION?</u>	<u>DEVELOPER/OWNER</u>
Annexation Request		Wake & Company, Inc/Max Wake

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
August 14, 2023	Major Subdivision and Rezone	PID 800037952, AG, Agriculture

ADJACENT ZONING DISTRICTS/USE:

North, AG, Agriculture – Wake & Co, Inc.

East, AG, Agriculture – Wake & Co, Inc.

South, R-1, Urban Residential Single-Family – Sharon Luebbe, Seward School District Middle School

West, AG, Agriculture – Wake & Co, Inc.

BRIEF SUMMARY OF REQUEST:

A voluntary Annexation request of Wake & Co Addition by Max Wake..



APPLICATION CONTACT

Max Wake, 402-643-3602

203 S 6th St, Seward, NE 68434

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Use type matches with the comprehensive plan.

ANALYSIS

A voluntary Annex letter from Max Wake/Wake & Company, Inc. to be read at City Council for the Annexation of Wake & Co Addition.

APPROXIMATE LAND AREA:

10.98 acres or 478,135.31 square feet +/-

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06"W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06"W 788.99'; THENCE NORTHERLY, N 0°00'00"E 245.79'; THENCE NORTHERLY, N 2°40'19"E 150.16'; THENCE NORTHERLY, N 0°00'00"E 71.99'; THENCE EASTERLY, N 90°00'00"E 66.00'; THENCE NORTHEASTERLY, N 46°00'11"E 278.82'; THENCE EASTERLY, N 88°41'06"E 500.31'; THENCE SOUTHERLY, S 1°18'54"E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS. (PID 800037952)

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

B. Dedicated Right-of-Way North of Waverly Road from 266th to 280th Road

City of Seward Planning Commission
142 N 7th St, Seward, NE 68434

Staff Report

Tim Dworak, Building/Zoning &
Code Enforcement Director

402-643-2928 opt 3 opt 1

<u>APPLICATION TYPE</u>	<u>FINAL ACTION?</u>	<u>DEVELOPER/OWNER</u>
Annexation Request		City of Seward

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
August 14, 2023		PID 800227310, AG, Agriculture

ADJACENT ZONING DISTRICTS/USE:

North, AG, Agriculture – Wake & Co, Inc.

East, AG, Agriculture – Virginia Hughes

South, R-1, Residential – Sharon Luebbe, Seward School District Middle School, Virginia Link, Lawrence & Bethany Geyer, Nathan & Tammy Klenke, Isaac & Christa Thorne, Roger & Theresa Montag, Jacob & Stacey Parr, Nicholas & Kristy Bauer

South, R-2. Residential – Halee Emerson, City of Seward

South, R-4, Cemetery – Seward Cemetery Association of Seward NE

West, AG, Agriculture – Andrew Eberspacher

BRIEF SUMMARY OF REQUEST:

A voluntary Annexation request of the City of Seward.



APPLICATION CONTACT

City of Seward

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Use type matches with the comprehensive plan.

ANALYSIS

Annexation of City owned property on the north side of Waverly Road.

APPROXIMATE LAND AREA:

2.46 acres or 107,157.6 square feet +/-

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9, THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 ON AND ASSUMED BEARING OF SOUTH 89 DEGREES 03 MINUTES 00 SECONDS EAST, A DISTANCE OF 69.49 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 22 MINUTES 25 SECONDS EAST, ALONG A LINE THAT IS 70.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH 89 DEGREES 03 MINUTES 00 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 2,574.70 FEET TO A POINT; THENCE SOUTH 89 DEGREES 25 MINUTES 03 SECONDS EAST, ALONG A LINE THAT IS 66.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 2,647.43 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 11.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 03 SECONDS WEST, ALONG A LINE THAT IS 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1292.30 FEET TO A POINT; THENCE SOUTH 00 DEGREES 34 MINUTES 57 SECONDS WEST A DISTANCE OF 22.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 25 MINUTES 03 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1355.03 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST, ALONG A LINE THAT IS 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 544.98 FEET TO A POINT; THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 18 FEET TO A POINT; THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS WEST ALONG A LINE THAT IS 51.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF DISTANCE OF 2,029.89 FEET TO THE POINT OF BEGINNING. (PID 800227310)

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

4. Public Hearing - 7:00 PM - Consideration of an Ordinance Re-Zoning Property Identified as Wake & Co Addition from 'AG - Agricultural District' to 'C-1 - Community Commercial/Mixed Use District' - Building/Zoning & Code Enforcement
Director Dworak



PAID
9-8 CK

Request for Amendment to the Unified Land Development Ordinance

Date: 8-7-23 Application Fee: \$200 + Notification Fee: _____ + Filing Fee: _____ = Amount Due: \$200

Applicant: Wake & Company, Inc Address: 203 S. 6th St. Seward NE 68434

Phone: 402-643-3602 Email: max.wake@jonesbank.com

I wish to _____ Build _____ Alter Buildings/
_____ Structures Change the Use of Premise
_____ Land or Structures Address: _____

Legal Description: see attached

The following change in the Unified Land Development ordinance is hereby requested:

Change in zoning of the subject property from its present classification: AG - Agriculture
To the following proposed zoning classification: C-1 Commercial

Amend the text or district regulations as follows: _____

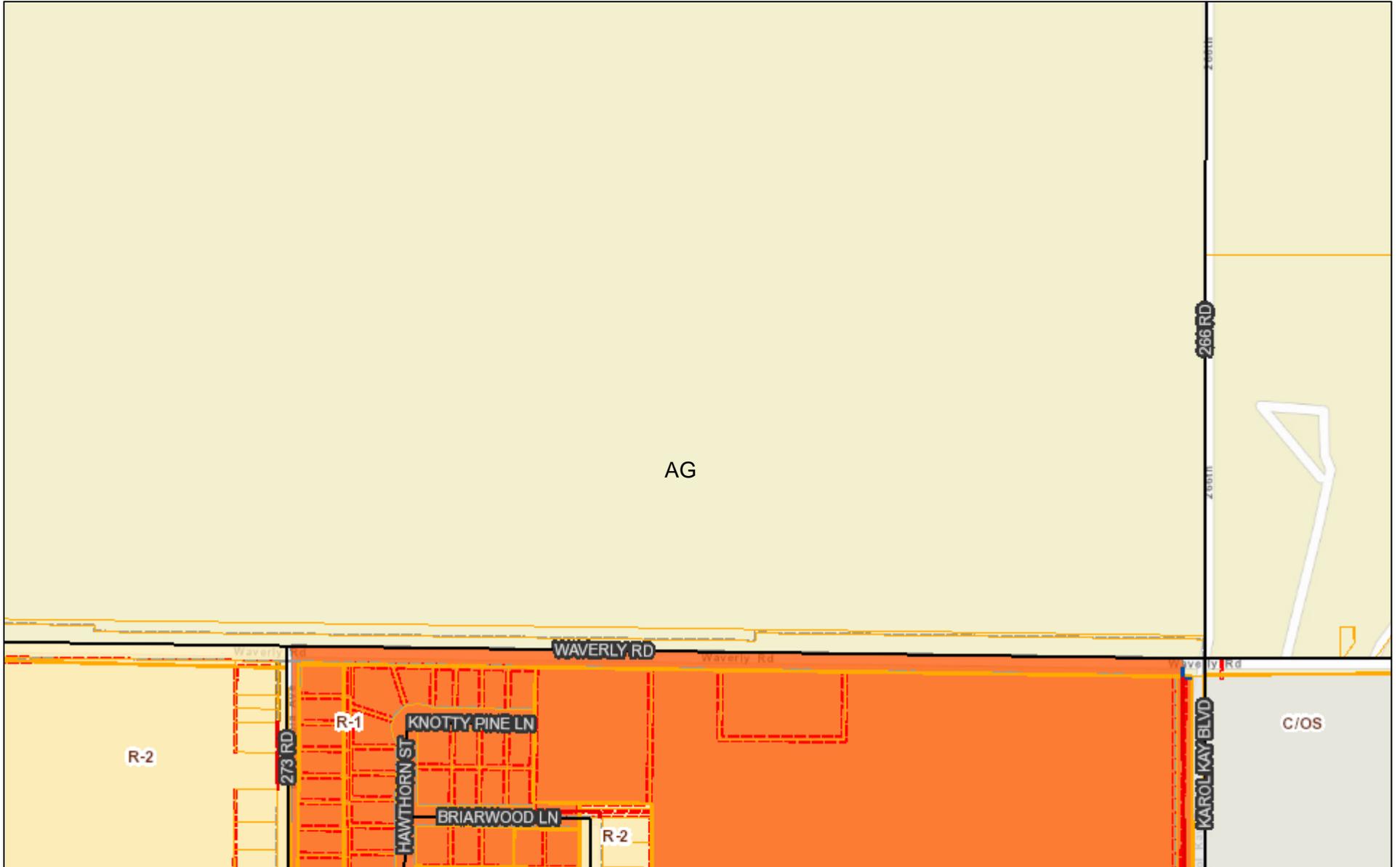
To permit the following improvement or use:

Wellness Center

The applicant shall furnish a plat of the area containing the property for which a zoning change is sought and including all the lots within 300 feet of the property lines of the subject property. The plat shall show existing and proposed zoning.

I certify that the above information and that required by section _____ of the _____ Unified Land Development Ordinance, as submitted herewith, is, to the best of my knowledge, true and accurate.

Applicate Signature: Wake & Co by Max T. Wake



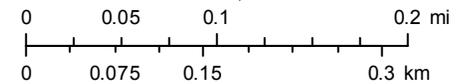
August 9, 2023
12:59 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:6,337

Sidewalks

- - - Missing Sidewalk
- ADA Sidewalk
- - - Deficient Sidewalk
- Subdivisions
- Streets
- Parcels



City of Seward Planning Commission
142 N 7th St, Seward, NE 68434

Staff Report
Tim Dworak, Building/Zoning &
Code Enforcement Director
402-643-2928 opt 3 opt 1

<u>APPLICATION TYPE</u>	<u>FINAL ACTION?</u>	<u>DEVELOPER/OWNER</u>
Rezone		Wake & Company, Inc./Max Wake

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
August 14, 2023	Annex and Major Subdivision	PID 800037952, AG, Agriculture

ADJACENT ZONING DISTRICTS/USE:

North, AG, Agriculture – Wake & Co, Inc.

East, AG, Agriculture – Wake & Co, Inc.

South, R-1, Urban Residential Single-Family – Sharon Luebbe, Seward School District Middle School

West, AG, Agriculture – Wake & Co, Inc.

BRIEF SUMMARY OF REQUEST:

A Rezone application to change the current zoning from AG, Agricultural District to C-1, Community Commercial/Mixed Use District (High Density).



APPLICATION CONTACT

Max Wake, 402-643-3602
203 S 6th St, Seward, NE 68434

COMPATIBLTY WITH THE COMPREHENSIVE PLAN

Use type matches with the comprehensive plan.

ANALYSIS

Applicant is requesting a rezone from AG, Agricultural District to C-1, Community Commercial/Mixed Use District (High Density). The property is currently an agricultural use. Per the Uniform Land Development Ordinance (ULDO) for the City of Seward, any property annexed into the corporate limits shall be zoned a zoning district that most nearly describes either its present use or the use proposed by Seward's Comprehensive Development Plan (§410-4.9). The property is bound by agricultural, civic and residential properties. The parcel meets zoning requirements of C-1 zoning.

The C-1 District accommodates commercial and office facilities that serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics of some uses may have an impact on adjacent residential neighborhoods. C-1 Districts are most appropriate at intersections of collector and arterial streets, at the junction of several neighborhoods, along major commercial or mixed-use corridors, or at substantial commercial sub centers.

The C-1 District permits for residential uses as governed by the R-4 Urban Residential Multifamily District (High Density) which aligns with the Comp Plan.

A public hearing notice was published, mailed to neighboring property owners, and the property was posted.

APPROXIMATE LAND AREA:

10.98 acres or 478,135.31 square feet +/-

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06"W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06"W 788.99'; THENCE NORTHERLY, N 0°00'00"E 245.79'; THENCE NORTHERLY, N 2°40'19"E 150.16'; THENCE NORTHERLY, N 0°00'00"E 71.99'; THENCE EASTERLY, N 90°00'00"E 66.00'; THENCE NORTHEASTERLY, N 46°00'11"E 278.82'; THENCE EASTERLY, N 88°41'06"E 500.31'; THENCE SOUTHERLY, S 1°18'54"E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS. (PID 800037952)

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

ORDINANCE NO. 2023-19

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SEWARD, NEBRASKA; TO REZONE CERTAIN PROPERTY WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF SEWARD, NEBRASKA NOW ZONED AG AGRICULTURAL DISTRICT, TO C-1 COMMUNITY COMMERCIAL/MIXED USE DISTRICT; SPECIFICALLY, TRACTS OF LAND NORTH OF WAVERLY ROAD AND WEST OF 266TH RD; TO DESCRIBE THE PROPERTY REZONED; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. PROPERTY REZONED. The following described property located within Extra Territorial Jurisdiction of the City of Seward, Nebraska is hereby rezoned from "AG Agricultural District", to "C-1 Community Commercial/Mixed Use District" to wit:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTH 66' RIGHT OF WAY LINE FOR WAVERLY ROAD AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF S 88°41'06"W A DISTANCE OF 460.70', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID NORTH RIGHT OF WAY LINE, S 88°41'06"W 788.99'; THENCE NORTHERLY, N 0°00'00"E 245.79'; THENCE NORTHERLY, N 2°40'19"E 150.16'; THENCE NORTHERLY, N 0°00'00"E 71.99'; THENCE EASTERLY, N 90°00'00"E 66.00'; THENCE NORTHEASTERLY, N 46°00'11"E 278.82'; THENCE EASTERLY, N 88°41'06"E 500.31'; THENCE SOUTHERLY, S 1°18'54"E 655.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 478,135.31 SQUARE FEET OR 10.98 ACRES, MORE OR LESS.

Section 2. USES PERMITTED. Uses permitted by the ordinance of the City of Seward, Nebraska for "C-1 Community Commercial/Mixed Use District" are hereby and herein authorized for said area and land described in Section 1 of this ordinance.

Section 3. ZONING MAP AMENDED. The official map of the City of Seward, Nebraska is amended, and it is ordered that the above described land shall now be shown as "RR Rural Residential District."

Section 4. PAMPHLET FORM; PUBLICATION; WHEN OPERATIVE. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication or posting as provided by law and city ordinance.

Passed and approved this _____ day of _____, 2023.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

ATTEST:

Derek Bargmann
City Clerk

5. Public Hearing - 7:00 PM - Revision of the One & Six Year Street Improvement Plan
- City Engineer Oneby & Street Superintendent Miers

FY 2024 Seward One Year FY 2025-2030 Six Year Street Plan

Priority	Project #	Project Type	Status	Completed Project Description (FY 2023)	Surfacing	Projected Construction Cost	Estimated Const Year (FY)	Funding	Comment
N/A	M-539(206)	Storm Sewer	Construction	Karol Kay box culvert near Plum Creek Park	Concrete Channel	\$310,000	2023		Engineering completed in 2022
N/A	M-539 (208)	Alley Paving	Construction	Alley between 4th and 5th, Ash to South St.	Concrete	\$15,000	2023		Constructed by city staff
N/A	M-539 (225)	Storm Sewer	Engineering & Construction	Rail Campus Business Park Storm Drainage	PVC Pipe	\$65,000	2023		Engineering in-house
Priority	Project #	Project Type	Status	One Year Plan Description (FY 2024)	Surfacing	Projected Construction Cost	Estimated Const Year (FY)	Funding	Comment
1	M-539 (209)	New Paving	Construction	East Seward Street - City Limit to Prairie Flower Rd (E-W) Prairie Flower Rd to STH 34 (N-S)	Concrete with Curb	\$1,620,000	2023/2024	County contribution \$250,000	Completion anticipated December 2023 Construction straddles two fiscal years
2	M-539 (210)	Reconstruction Storm Sewer	Construction	Park Avenue from 6th to 8th Streets 36-inch SS	Concrete paving Pipe	\$1,654,000	2023/2024		Completion anticipated December 2023 Construction straddles two fiscal years
3	M-539 (219)	Reconstruction Storm Sewer	Construction	Bradford St, 6th to 10th 18-inch SS	Concrete paving Pipe	\$628,000	2023/2024		Completion anticipated December 2023 Construction straddles two fiscal years
4	M-539 (233)	Street Reconstruction	Engineering & Construction	Izaak Walton at Hwy 15	Concrete with Curb	\$400,000	2024		Completion anticipated December 2023 Construct prior to Hwy 15/6th St widening
5	M-539 (213)	Street Reconstruction	Engineering	Highway 15 (6th St) Ash St to City Limits	Concrete with Curb	\$10,000,000	2024/2025	Federal & State funding City contribution \$300,000	NDOT Project, City contribution for parallel parking stalls along Courthouse square
6	M-539 (151)	Street Reconstruction	Construction	East Hillcrest Drive from Eastridge Drive to Plum Creek bridge (includes Bike Trail spur)	Concrete with Curb	\$1,152,000	2024		Engineering in 2022-2023 Bid Fall 2023
7	M-539 (212)	Reconstruction/ New paving	Construction	Lindell Avenue from Jackson Avenue to East Seward Street & Jackson Avenue from Lindell Avenue to 127' east of Lindell	Concrete with Curb	\$850,000	2024		Engineering in 2023 Bid Fall 2023
8	M-539 (227)	Reconstruction Storm Sewer	Engineering & Construction	Seward Street - 4th to 5th St	Brick reconstruction	\$400,000	2024		
9	M-539 (226)	Shared Use Path	Engineering & Construction	Plum Creek Trail re-route	Concrete	\$30,000	2024		Constructed by city staff
Priority	Project #	Project Type	Status	Six Year Plan Description (FY 2025-2030)	Surfacing	Projected Construction Cost	Estimated Const Year (FY)	Funding	Comment
1	M-539 (222)	New Paving	Engineering & Construction	Worthman Blvd from Pine St to west limit of Rail Campus Development	Concrete	\$2,700,000	2025		Engineering in FY 2024 Bid Fall 2024, Construct 2025
2	M-539 (228)	Storm Sewer Reconstruction	Engineering & Construction	Bradford St, 5th to 6th Roberts Street, 5th to 6th	Asphalt with Concrete Curb	\$253,000	2025		Engineering 2023 2024, Bid Fall 2024 Completes Hwy 15 drainage
3	M-539 (170)	Shared Use Path	Engineering	Bike Trail from South Columbia to Waverly Road and Karol Kay (ENH-30(83))	Concrete	\$4,000,000	2025	80/10/10 cost share with State & Federal	City contribution estimated \$400,000 Engineering 2022/2023/2024
4	M-539 (236)	Storm Sewer Detention	Planning	Rail Campus Detention Basin	Detention Basin	\$400,000	2025		
5	M-539 (235)	Storm Sewer Reconstruction	Planning	Pine Street, Worthman Blvd to Aspen Street	Storm Sewer Concrete pavement	\$253,000	2025		Correct Rail Campus storm sewer deficiencies
6	M-539 (193)	Storm Sewer Detention	Planning	Pinewood and Hwy 15 Drainage	Detention Basin	\$400,000	2025		Probable site west of Hwy 15 in Golf Course
7	M-539 (223a)	Overlay	Planning	Third Street - Ash Street to Main Street	Asphalt with Concrete Curb	\$700,000	2025		
8	M-539 (196b)	Reconstruction Storm Sewer	Engineering	Pinewood Avenue - Meadow Lane to Hwy 15	Concrete/Asphalt	\$1,821,000	2026		Engineering in 2024 Different treatments in different sections
9	M-539 (194)	Storm Sewer	Planning	42" storm sewer between 12th & 13th north of Main Street	Pipe	\$100,000	2026		Research existing pipe diameters; identify bottleneck
10	M-539 (199)	Reconstruction	Planning	East Seward Street - Lindell Avenue to Columbia Avenue	Brick/concrete	\$500,000	2026		Engineering completed in 2024 In sequence after Jackson/Lindell (Project 212)
11	M-539 (204)	Storm Sewer	Engineering & Construction	Open channel from Elementary School to Rainbow Avenue near Star Street	Concrete Channel	\$60,000	2026		Engineering in-house
12	M-539 (217)	Bridge Reconstruction	Engineering	Plum Creek Bridge	Concrete	\$1,800,000	2026	100% Federal Funding	Managed by NDOT Preliminary Enngineering complete 2022
13	M-539 (205)	Storm Sewer	Planning	8th St. from Park Av to Hillcrest W. Hillcrest, 7th St to Ironwood	Brick/concrete Pipe, curb inlets	\$509,000	2026		Engineering in 2024 Different treatments in different sections
14	M-539 (198)	Overlay	Planning	Ash Street - Columbia Avenue to Highway 15	Asphalt with Concrete Curb	\$400,000	2026		
15	M-539 (234)	New Paving	Planning	Columbia Avenue from City Limit to Depot Street	Concrete with Curb	\$30,000	2026		Constructed by city staff
16	M-539 (184)	Street Reconstruction	Planning	East Hillcrest Drive from Highway 15 (6th Street) east to Eastridge	Concrete with Curb	\$1,500,000	2027		

FY 2024 Seward One Year FY 2025-2030 Six Year Street Plan

Priority	Project #	Project Type	Status	Six Year Plan (continued)		Projected Construction Cost	Estimated Const Year (FY)	Funding	Comment
				Description (FY 2025-2030)	Surfacing				
17	M-539 (131)	New Paving	Planning	Park Avenue from N. 11th St. to N. 12th Street	Concrete with Curb Box culvert	\$385,000	2027		Pavement constructed by city staff Acquire ROW, Requires USACE approval
18	M-539 (223b)	Overlay	Planning	Third Street - Main Street to Bradford	Asphalt with Concrete Curb	\$700,000	2027		
19	M-539 (221)	Storm Sewer	Planning	Plum Creek Park	Detention	\$300,000	2027		Probable site south of tennis courts Coordinate with NRD
20	M-539 (237)	Storm Sewer Reconstruction	Planning	Seventh Street from Ash Street to Main Street	Concrete with Curb	\$500,000	2027		Replace corrugated metal storm pipe under east curb, partial pavement replacement
21	M-539 (215)	New Paving	Planning	Second Street - Oak St to Big Blue Bridge	Concrete with Curb	\$30,000	2027		Constructed by city staff
22	M-539 (229)	New Paving	Planning	Bluff Road, Plum Creek Bridge to 252nd St	Concrete with Curb	\$2,925,000	2028		Currently a county road Cost share with county
23	M-539 (218)	Overlay	Planning	Roberts Street, Columbia to 5th	Asphalt with Concrete Curb	\$600,000	2028		
24	M-539 (238)	Reconstruction	Planning	Fairgrounds Road	Concrete no curb	\$300,000	2028		Currently a county road Annexation
25	M-539 (201)	Signal	Planning	Traffic Signal on Hwy 15 at Worthman Blvd (Rail Campus)	N/A	\$400,000	2028		Required when traffic warrants
26	M-539 (231)	New Paving	Planning	Cemetery Reynolds Addition Detention	Detention	\$300,000	2028		
27	M-539 (165)	New Paving	Planning	Spruce Street from ½ block west of Progressive Road to Pine Street	Concrete with Curb	\$30,000	2028		Constructed by city staff
28	M-539 (230)	New Paving	Planning	252nd Street, Hwy 34 to Bluff Rd	Concrete with Curb	\$2,274,000	2029		Currently a county road Cost share with county
29	M-539 (202)	Reconstruction	Planning	Highway 15 Bridge across Worthman Creek widening and turn lanes	Asphalt	\$1,500,000	2029		Required when traffic warrants
30	M-539 (224)	Storm Sewer	Planning	Elm Street - 2nd to 3rd Streets	Pipe	\$200,000	2029		
31	M-539 (220)	Storm Sewer Detention	Planning	Cedar Street Detention Basin	Improvements	\$85,000	2029		
32	M-539 (200)	Storm Sewer	Planning	Drainage Basin (Northeast) Improvements		\$400,000	2029		Improve detention upstream of Cedar St. Detention Basin, property acquisition
33	M-539 (232)	New Paving and Subgrade	Planning	Prairie Flower Rd, E. Seward to Bluff Rd	Concrete	\$5,062,000	2030		4,000 ft.
34	M-539 (216)	Reconstruction	Planning	Highway 15 Bridge across Big Blue River widening	Concrete	\$6,000,000	2030	Seek Federal & State funding	Required when traffic warrants
35	M-539 (161)	New Paving	Planning	Pine Street from Birch Street thru Spruce Street	Concrete with Curb	\$85,000	2030		
36	M-539 (162)	New Paving	Planning	Pine Street from Spruce Street thru Walnut Street	Concrete with Curb	\$85,000	2030		
37	M-539 (163)	New Paving	Planning	Pine Street from Walnut Street to Cottonwood Street	Concrete with Curb	\$85,000	2030		
38	M-539 (186)	Reconstruction	Planning	Walnut Street from Progressive Road to Pine Street	Concrete	\$70,000	2030		
39	M-539 (195)	Storm Sewer	Planning	Drainage Basin (Southwest) Improvements		\$200,000	2030		
Long Range Plan									
	Project #	Project Type	Status	Description (FY 2031+)	Surfacing	Projected Construction Cost	Estimated Const Year (FY)	Funding	Comment
	M-539 (x)	New Paving and Subgrade	Planning	252nd St, Bluff Rd to Waverly Rd	Concrete	\$3,054,000	TBD		5,300 ft.
	M-539 (x)	Reconstruction	Planning	Walker Rd. from Pine St to CTH 294	Concrete	TBD	TBD		4,600 ft.
	M-539 (x)	Reconstruction	Planning	Lincoln Avenue from Columbia Av to Highway 15 (6th Street)	Concrete with Curb	TBD	TBD		Include Bike Trail spur
	M-539 (x)	Reconstruction	Planning	Lincoln Avenue from Highway 15 (6th Street) to 10th St	Concrete with Curb	TBD	TBD		Include Bike Trail spur
	M-539 (x)	Storm Sewer	Planning	Langworthy from Columbia to Meadow Lane	Pipe	TBD	TBD		
	M-539 (x)	New Paving	Planning	Birch Street from 285th St to CTH 294	Concrete	TBD	TBD		3,500 ft.
	M-539 (x)	Reconstruction	Planning	Moffitt St from Columbia Av to Highway 15 (6th Street)	Brick/concrete	TBD	TBD		
	M-539 (x)	Reconstruction	Planning	Moffitt St from Highway 15 (6th Street) to 10th St	Brick/concrete	TBD	TBD		

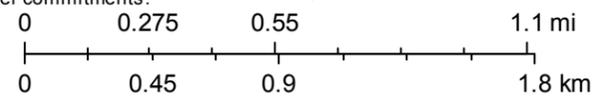


July 15, 2022

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:25,432

Municipal Boundaries

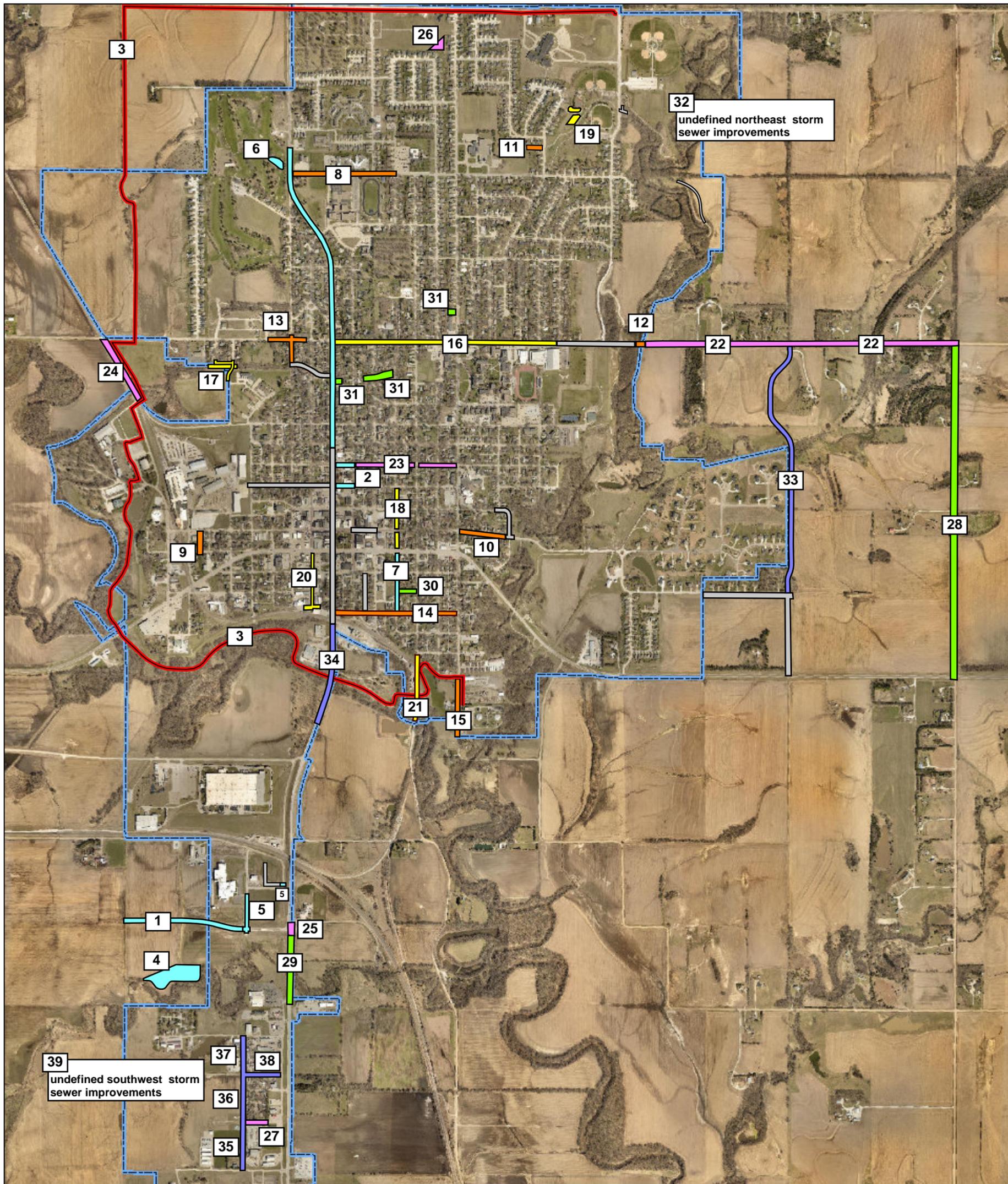


LEGEND

	CITY LIMITS
	Completed
	FY 2023/2024
	FY 2024
	FY 2024/2025



NOTE: NUMBERED BOXES CORRESPOND TO PRIORITY NUMBER IN THE FY 2024 ONE YEAR PLAN

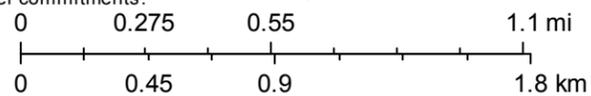


July 15, 2022

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:25,432

Municipal Boundaries



LEGEND

	CITY LIMITS
	FY 2024
	FY 2025
	FY 2026
	BIKE TRAIL
	FY 2027
	FY 2028
	FY 2029
	FY 2030



NOTE: NUMBERED BOXES CORRESPOND TO PRIORITY NUMBER IN THE FY 2025 - FY 2030 SIX YEAR PLAN

ADMINISTRATIVE ITEMS

1. Items Related to Employee Handbook - City Clerk Bargmann
 - A. Amendments to Items 2.2a, 2.11, and 3.8.1 - Updated General Personnel Policies, from the Employee Handbook Dated November 15, 2016

2.2a Break Periods

A fifteen-minute break period will be allowed to employees of the City during each one-half day of work (typically 4 hours) for relaxation from the regular routine of duty. With the exception of the Police and Library personnel, an employee scheduled for an 8-hour shift will be allowed one meal period each workday. The meal period will be at least thirty (30) minutes but no longer than one (1) hour in length and will be scheduled to accommodate operating requirements of the Department. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Department Heads have the ability, on a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator. Police and Library personnel are not relieved of all active responsibilities and restrictions and consequently may be compensated for mealtime.

The City shall provide 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; and 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 the employee to express breast milk. If possible, such break time should be taken concurrently to the break time already provided to the employee. Department Heads have the ability, on a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator.

4.6.4 Life Insurance

~~The City will offer to pay the costs to insure each eligible employee up to \$25,000. An employee may choose to purchase further coverage for themselves or their family at an additional cost paid solely by the employee. Enrollment for additional coverage will result in a payroll deduction.~~

4.6.5 Retirement Systems (Updated 3/2/99)

The City agrees to pay an adopted percentage based upon results of ~~the a comparability study of the regular full-time employee's monthly base pay up to the Social Security Taxable Wage Base, plus 6% in excess of the Social Security Taxable Wage Base.~~ Employees will be advised of the percentage and are to ~~have pay~~ have pay the same percentage deducted from their payroll to be paid rate of their monthly salary into a retirement fund as per contract with the City's Retirement Plan Company. Overtime will not ~~apply be included in figuring the percentage to the retirement plan~~ apply be included in figuring the percentage for apply to the Police Officers retirement plan. ~~Any full-time employees~~ are allowed to make additional contributions to their own retirement plan ~~or the City of Seward 457 Deferred Comp Plan~~, in accordance with the Retirement Plan provisions.

~~Police Pension Retirement for Police Officers will be governed by the City of Seward Police Pension Plan Document, which~~ will be in accordance with Ordinance Number 913.

4.6 Social Security Benefits

2.2a4.7 Rest-Break Periods (Updated 3/2/99)

A fifteen-minute ~~rest period break~~ will be allowed to employees of the City during each one-half day of work (~~typically four (4) hours~~ shall constitute the minimum for one-half day) for relaxation from the regular routine of duty. ~~All rest periods will be held at the job site, respective City shop facility or location which benefits the work schedule of the Department itself as determined by the Department Head. Department Heads have the ability, on a case by case basis, to amend these requirements from time to time with approval of the City Administrator or appropriate authority.~~

With the exception of the Police and Library personnel, ~~an employee scheduled for an eight-hour shift all full-time employees~~ will be allowed one meal period each workday. The meal period will be ~~at least thirty (30) minutes but no longer than one-half to one (1) hour~~ in length and will be scheduled to accommodate operating requirements of the Department. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Department Heads have the ability, on a ~~case case-by-by~~ case basis, to amend these requirements from time to time with approval of the City Administrator ~~or appropriate authority~~. Police and Library personnel are not relieved of all active responsibilities and restrictions and consequently may be compensated for meal time.

The City shall provide 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; and 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 the employee to express breast milk. If possible, such break time should be taken ~~during concurrently to the rest-breaks times~~ already provided to the employee. ~~Department Heads have the ability, on a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator. Any additional breaks taken to express milk will be unpaid.~~

2.11 Personnel Records

The Human Resource Director shall maintain records on each employee to include pertinent personal data such as name, address, telephone number, title of position held, the department to which assigned, current salary and changes in employment status. Additional information deemed important shall also be included. such as reports of attendance, conformance to expected standards, and other reports of performance evaluation. Employee personnel files are the property of the City. Employees have the right to inspect their personnel file at any time during business hours in coordination with the Human Resource Director. All personnel file inspections will take place in city offices in the presence of a representative designated by the Human Resource Director. The employee cannot remove any personnel files from the City offices but can make handwritten notes to record information included in their personnel files. Copies of the documents can be provided to the employee within four business days after a request has been made. The City reserves the right to charge the employee a reasonable fee to cover the copying costs.

Employees shall report to the Human Resource Director any changes of name resulting from a change in marital status, and any change of dependents. Also, to be reported are any changes in address, telephone number or information which will impact the personnel record of the employee. This information is required for insurance and tax purposes.

2.11 Maintenance of Personnel Records

The Human Resource Director shall maintain records on each employee to include pertinent personal data such as name, address, telephone number, title of position held, the department to which assigned, current salary and changes in employment status.

Additional information deemed important shall also be included, such as reports of attendance, conformance to expected standards, and other reports of performance evaluation. Employee personnel files are the property of the City. -Employees have the right to inspect their personnel file at any time during business hours in coordination with the Human Resource Director. All personnel file inspections will take place in city offices in the presence of a representative designated by the Human Resource Director. The employee cannot remove any personnel files from the City offices but can make handwritten notes to record information included in their personnel files. Copies of the documents can be provided to the employee within four business days after a request has been made. The City reserves the right to charge the employee a reasonable fee to cover the copying costs.

Employees shall report to the ~~Department Head, payroll administrator and City Clerk~~Human Resource Director any changes of name resulting from a change in marital status, and any change of dependents. Also, to be reported are any changes in address, telephone number or information which will impact the personnel record of the employee. This information is required for insurance and tax purposes.

3.8.1 Compensatory Time

In an effort to ensure financial stewardship, the City will utilize compensatory time off in lieu of overtime pay. All compensatory time accrued and used must be approved by the Department Head for subordinates, City Administrator in the case of Department Head, or Mayor in the case of City Administrator.

Overtime hours, if converted to compensatory time, shall be accrued at a rate equal to the adjustment for pay if the overtime hours were paid out (see Section 3.7.2). Compensatory time shall be capped at 60 hours. For employees serving in the national guard or as a reservist, compensatory time can be specifically designated as a supplement to fulfill training requirements at the discretion of the City. If approved, this leave will be in addition to the City's annual military leave (See 4.4.1c) and capped at 120 hours. This leave can **only** be used for military leave purposes and cannot be transferred to an additional compensatory leave balance. Request to use this form of compensatory time accrual must be approved by the City Administrator before use.

On-call hours, wherewhen an hourly employee is on standby, can be accrued as compensatory time. Should an hourly employee be called in, ~~call-call~~-back time would be eligible for conversion to compensatory time, subject to a request submitted by the Department Head and approved by the City Administrator.

The Golf Shop Manager position is exempt from this regulation, due to the seasonal activities of the golf course. This position shall not accrue more than 480 hours compensatory time in any calendar year, which shall be used prior to April 1 of the following calendar year, unless the City Administrator authorizes an extension of this date.

The accrual of compensatory time by Police Officers, while attaining initial certification, maybe exempt from this regulation with approval of the Chief of Police and City Administrator but cannot exceed 120 accrued hours. Accrued hours attained during this initial certification period shall be used down to 60 hours within 90 calendar days following training completion or will be paid out at the regular rate earned by the employee at the time the employee receives the payment.

Overtime earned when working for another department shall be paid out and charged to the department in which the work was performed. This time cannot be accrued as compensatory time.

The City shall have the option of buying back accrued compensatory time from employees on an annual basis at the City's discretion at the end of the fiscal year. An employee can request accrued compensatory time be paid out at any time during the year. If accrued compensatory time is bought back from the employee or paid out, the compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment. Upon termination of employment, an employee shall be paid for the unused compensatory time at the regular rate earned by the employee at the time the employee receives the payment.

An employee shall be permitted to use compensatory time within a reasonable period if the use does not unduly disrupt the operations of the **EmployerCity**.

Exempt employees shall be allowed time off for attendance at official evening meetings or events, weekend meetings or events, and for extra time spent in order to complete special projects, with approval of the City Administrator or appropriate authority, and as long as such time off does not interfere with completion of their duties. Any compensatory accruals will not be paid out upon termination of employment.

B. Items 4.1 - 4.6; 5.1 - 5.4; 6.1 - 6.2; and 7.1 - Updated General Personnel Policies, from the Employee Handbook Dated November 15, 2016



P.O. Box 38, 537 Main Street, Seward, Nebraska 68434. Phone: 402-643-2928. Fax: 402-643-6491. www.CityofSewardNE.gov

Date: August 15, 2023

To: *City Council*

From: *City Administration*

Re: **Employee Handbook Review – Section 4**

Working with City Administrator Butcher, below, you will find some highlights from a complete review of the current section 4 to inform you of the proposed changes as well as an attached redlined version of the changes. The idea is to identify the topics that may have the most impact if implemented.

As per the request of the Personnel, Audit and Finance Committee, all employees were first provided the opportunity to review the proposed changes and provide feedback through July 24th. Following the completion of this time, items identified by employees were considered by Administration with some items incorporated into a draft presented to the Committee. The Committee met on August 8th and recommended adoption of Section 4 with suggestions of a few minor changes. These changes have been incorporated into the draft presented to the Council for consideration and adoption.

2.2a Break Periods (previously item '4.7 Rest Periods')

Minor changes—language added to allow for discretion of Department Head, with approval of City Administrator, to amend break-time requirements for an employee who is expressing milk.

SECTION 4 RETITLED TO “EMPLOYEE BENEFITS”, RATHER THAN ‘EMPLOYEE BENEFITS FOR REGULAR FULL-TIME EMPLOYEES: This change will ensure that applicable provisions will be applied to all employees as specified in Section 1.1

4.1 Holiday/Annual Personal Leave (previously ‘Holidays’)

All items were already happening but not formally written. Clarifications added regarding ‘on-call’ or ‘call-back’ provisions as well as description of holiday calendar, police officer compensation, and Mayor’s holiday declaration.

4.1.1 Personal Leave Provisions (NEW SECTION)

This was a subpart of the above, however we felt it should have its own formal subsection for reference. Clarifications provided for who will get personal time and how it shall be handled if there is a balance at the end of a calendar year.

4.2 Vacation Leave (previously ‘Leave’)

This subsection was previously buried within other leaves, but we thought it would be best to have its own section directly following the personal leave section. We would like to consider giving half credit for hiring new employees with service outside of the City—we are lagging in recruitment and hiring due to inability to offer more than the bare minimum for vacation leave. In reviewing comparability with similar communities, we also found two things:

1. Our accrual rates were lagging, and as such we propose the following changes which will increase the leave issued for employees with 5+ years of service. We’ve reviewed all current employees leave, and not one person will lose vacation time (most will gain) and cumulatively the employee pool will gain.
2. Our service benchmarks were inconsistent; therefore, the benchmarks will be for five-year increments.

Below, please find the proposed increments:

Regular Full-Time

Service Benchmark (Old)	Service Benchmark (New)	Old Annual Accrual	Proposed Annual Accrual
0 – 1.0	N/A	40/hrs 6 mos 40/hrs at 1 year	N/A
2.0 – 5.0	0 – 5.0	80 hours	80 hrs-ann
6.0 – 10.0	6.0 – 10.0	96 hours	120 hrs-ann
11.0 – 14.0	11.0 – 15.0	128 hours	144 hrs-ann
15.0 – 17.0	16.0 – 20.0	144 hours	160 hrs ann
18.0 – 19.0		152 hours	
20.0 – 24.0	21.0 – 25.0	152 hours	184 hrs ann
25.0+	26.0+	184 hours	192 hrs ann

Regular Part-Time

Service Benchmark (Old)	Service Benchmark (New)	Old Annual Accrual	Proposed Annual Accrual
0 – 1.0	N/A	40/hrs at 1 year	N/A
2.0 – 5.0	0 – 5.0	40 hours	40 hrs-ann
6.0 – 10.0	6.0 – 10.0	48 hours	60 hrs-ann
11.0 – 14.0	11.0 – 15.0	64 hours	72 hrs-ann
15.0 – 17.0	16.0 – 20.0	72 hours	80 hrs ann
18.0 – 19.0		76 hours	
20.0 – 24.0	21.0 – 25.0	80 hours	92 hrs ann
25.0+	26.0+	92 hours	96 hrs ann

4.2.1 Scheduling of Vacations

This was subpart B of the above; however, for clarity, we propose a numbered subsection. There are no major changes to this subsection, just clearer language as to expectations.

4.2.2 Vacation Leave Cap

This was subpart C of the above; however, for clarity, we propose a numbered subsection. Identification of what constitutes an accrual year is included, which an employee’s hire date plus 365 calendar days.

4.2.3 Unused Vacation at Termination of Employment

Includes formal establishment of policy to not allow for an employee to schedule vacation leave during last two weeks of employment, so as to ensure a smooth transition in City operations. Additionally, it is clarified which events will result in payout of accrued vacation leave.

4.3 Sick Leave – Including Leave for Injury

This was previously, subsection 1) of the ‘Leave’ section, but deserves its own part. Notable changes include pro-rate of sick leave for fraction of month when eligible employees’ service begins, and inclusion of rules 1-8 to set expectations for this leave. Particularly expectation to notify and schedule leave for appointments beforehand as well as how leave will be deducted if an employee has exhausted all sick leaves are clarified. Also of note, leave as small as 15-minute increments is now possible through our time and attendance software, thus no longer is the need take extra leave for an appointment.

4.3.1 Eligible Uses of Sick Leave

Previously this was subpart i) of the above; however, for clarity, we propose a numbered subsection. This provides a more focused and clearer understanding of what the City of Seward will consider appropriate for use of ‘sick’ leave.

4.3.1a Parental Leave (previously ‘Maternity Leave’)

Previously, the only mention was to refer to the FMLA section. We strive to provide guidance for all employees to which this may apply. The City does not award specific ‘maternity’ or ‘paternity’ leave; however, an employee may elect to use FMLA leave in which we would request all forms of leave be used before going to an unpaid status. If an employee qualifies for FMLA, they would be eligible for 12 weeks unpaid protected job leave. We also request an employee maintains regular contact with their associated department head so as to inform of expected date back and any accommodations needed.

4.3.2 Work-Related Injury or Illness Leave (previously Accident-Injury Leave)

Previously, this was subpart 'G' under leaves, so we thought it deserved a numbered subsection. The guidance was to refer to 'Workmen's Compensation' and when you referred to this section, it re-directed to definitions. As such, the text included on the revised handbook includes the expected procedure if an on-the-job accident occurs, which includes contacting department head, EMC nurse, and accident report if applicable. Also, this section defines how the City will handle a worker's compensation check it receives. All of these procedures are already informally in place, so it formalizes the existing process and expectations. Furthermore, it notes that an employee shall notify a department head of an upcoming medical procedure so as to ensure the City has adequate means to continue City operations in the employee's place.

4.3.3 Voluntary Leave Transfer Program (NEW SECTION)

This has been discussed previously over time, but City Administration proposes creation of an voluntary leave transfer program. The impetus for program is in some instances of serious medical emergencies an employee may exhaust all forms of leave and go to unpaid status. To reduce the financial burden this may place on this employee, this program would voluntarily allow City employees to donate leave to eligible City employees. Should the recipient not need all leave donated, it will be restored to the donor's account without penalty. The eligibility requirements will be detailed in the handbook with an associated policy to accompany as well as a form. To reiterate, there is no obligation to any employee to request or donate to an employee. We felt this was a move in the right direction since it has long been discussed and has been used in some fashion previously.

4.3.4 Unused Sick Leave at Termination of Employment (NEW SECTION)

Previously this was a subsection under 'Leave' but not titled. Again, we felt this item deserved its own devoted subsection. The major changes of this section are updating the retirement age to match the retirement age as defined by the Social Security Administration.

4.4 Other Granted Paid Leave (previously 'Special Leave')

This will include any other leaves that will be granted to an eligible employee.

4.4.1a Court and/or Jury Duty (previously 'To Serve as a Juror or Witness')

The changes include clarification of what will or will not be granted as administrative leave at the discretion of the City Administrator. If not designated as administrative leave, it will be deducted from the employee's accrued leave bank(s).

4.4.1b 'Due to Emergency Closure of City offices: (previously '3.20 Emergency Closing Policy')

This section has been condensed to allow for clearer understanding. Changes of note include the inclusion of the ability to 'work from home' for employees that have the ability to do and if assigned by the City Administrator. Also, employees required to work during an emergency closure shall accrue one compensatory hour for each hour worked during their regular shift. If closed, the City will compensate employees with a regular full-time or regular part-time status.

4.4.1c Military Leave

This section has been revised to include provisions from USERRA and FMLA to indicate leave that will be allotted for military leave for an eligible employee.

4.4.1d Related to Work Operations (NEW SECTION)

City Administration recognizes the necessity to allow for an employee to be granted leave to address the included instances: to interview for another City position, to present grievances or appeals to City officials; or to allow for employees to attend a coworker's funeral.

4.4.2 Funeral Leave

A. Due to Immediate Family Member Death: The descriptions of individuals who constitute 'immediate' family have been expanded. The amount of leave was ambiguous previously to just indicate 24 hours—Administration is clarifying that it means 24 hours granted per death event of an immediate family member. The request for an employee to indicate the relationship to the deceased and location of service are included so as to assign the appropriate leave. Finally, Administration has included the ability of a regular part-time employee to be granted 12 hours of paid leave for the death of an immediate family member. Administration feels these changes reduce the fuzziness of the previous provisions to the benefit of an employee.

B. To Attend a Funeral: The only change of note is to indicate an employee may be granted leave outside of their 12 or 24 hours if they deduct from their accrued leave banks.

4.5 Instances of Approved Unpaid Leave (previously 'Voluntary Leave of Absence Without Pay')

4.5.1 Voluntary Leave of Absence Without Pay

Administration will only consider a voluntary leave of absence request when all sources of accrued leave have been exhausted and they are not eligible for FMLA. The request shall clearly describe the reason for the leave, the proposed start date, and the date expected to return. Since this request is not protected job leave, it is the recommendation that only an employee with 5+ years of service may request and that it will be capped at 160 hours.

4.5.2 Family and Medical Leave (FMLA)

This section has been significantly shortened so as to allow for ease in reading and ease in editing should FMLA provisions change. Essentially, the City will abide by the regulations of FMLA and will require that all leaves be exhausted while in this status before going unpaid.

4.6 Employee Benefits (NEW SECTION)

This is significant enough that it should have its own section with relevant subsections. Eligibility of qualified employees are included in this section.

4.6.1 Hospital and Medical Insurance (previously section 4.4)

No significant changes

4.6.2 Dental Insurance

Clarification that the City will pay the full cost to insure eligible employees.

4.6.3 Vision Insurance (NEW SECTION)

This subsection describes what the employee's responsibility to cover vision insurance.

4.6.4 Life Insurance (NEW SECTION)

This subsection clarifies the City provides \$25k of coverage to an eligible employee. The costs of additional coverage shall be incurred by the employee.

4.6.5 Retirement Systems (previously section 4.5)

No significant changes.

4.7 Rest Periods – moved to section 2.2a (above)

4.8 Awards Program – moved to section 5.4 (see changes in corresponding section 5 memo)

SECTION 4: EMPLOYEE BENEFITS

4.1 Holiday/Annual Personal Leave

City offices shall be closed on the following Holidays, though some employees may be subject to on-call (See 3.8.2) or call-back (See 3.8.3) provisions. Employees not subject to on-call or call-back provisions will have no expectation to perform job related duties on an observed holiday. All employees will be paid their normal rate on the following holidays:

New Year's Day	Martin Luther King, Jr. Day
Memorial Day	Independence Day
Labor Day	Veteran's Day
Thanksgiving Day	Day after Thanksgiving
Christmas Day	
<u>Annual Personal Leave</u> – Thirty-two (32) hours for regular full-time employee Sixteen (16) hours for regular part-time employee	

The following provisions are attached to the management of observed holidays:

1. Calendar - If an observed holiday falls on a Saturday, when offices are normally closed, the holiday shall be observed on the preceding Friday. If an observed holiday falls on a Sunday, when offices are normally closed, the holiday shall be observed on the Monday following.
2. Police Officer compensation – All regular full-time Police Officers, reporting for duty on the observed holiday, will be compensated for holidays on the day of the actual holiday at the overtime rate of time and one-half (**See 3.7.2 'Overtime Pay'**). All non-reporting, regular full-time Police Officers, will observe the holiday in the same manner as all other City employees, with compensation for eight (8) hours at their normal rate.
3. Mayor's holiday declaration - At the Mayor's discretion, City offices may be declared as closed on other recognized holidays and, in those instances, all employees scheduled to work that day will be paid at their normal rate or at the police officer compensation rate as noted above.

4.1.1 Personal Leave Provisions

All regular full- and regular part-time employees (**See 1.1 'Classification of Employees'**), including those in their introductory/evaluation period (**See 1.5 'Introductory/Evaluation Period'**), shall be issued annual personal leave renewed each January 1st.

- Regular full-time employees will acquire thirty-two (32) hours or four (4) days
- Regular part-time employees will acquire sixteen (16) hours or two (2) days

Any Personal leave time not used by December 31st of each year will be carried over to the next year; however, time carried forward from the prior year will be deducted from the thirty-two (32) or sixteen (16) hours acquired on January 1 so that no employee will have more than their cap at any given time. Personal leave must be taken a minimum of fifteen (15) minutes at a time. New employees will be assigned personal leave on a pro-rated basis from their date of hire through December 31st, with a full complement of eligible hours to be assigned in the calendar year. Unused Personal leave—upon resignation, termination or employee death—will be issued in same manner as vacation payout (**See 4.2.3 'Unused Vacation Leave at Termination of Employment'**).

4.2 Vacation Leave (effective 10/1/23)

Employees with the following classifications are considered eligible—introductory, regular full-time, and regular part-time—and will be issued annual leave based on their service time. Each eligible employee shall be entitled to vacation leave per basis of one (1) year successive periods of continuous employment, including any credit received for prior service (see 1.4).

A year, for this purpose, shall begin from date of hire and shall constitute 365 days. Vacation leave for an eligible employee shall begin accruing on the day the employee enters service with the City; however, an employee may not use vacation leave until they have satisfactorily completed their introductory period (See 1.5)—at which they will be granted half their annual accrual.

The City Administrator—at their discretion—may determine a newly hired, eligible employee has relevant experience to be translated to ‘years of service’ in vacation accrual. In these instances, for every year of relevant experience determined by the City Administrator, it shall be counted as half a year of service for vacation leave accrual purposes only. For example, an eligible employee has 15 years of relevant experience outside of the City, they would be credited for 7.5 years of service and placed in appropriate vacation accrual category from their first day of employment with the City. This assigned service will not be utilized for recognizing service milestones as indicated in Section 5.4, the employee’s first day with the City (in addition to any credited City service, See 1.4) will govern this program.

Annual Leave for Regular Full-Time Employees	
Years of Service	Yearly Total
During the first five years	80 hours annually
Beginning of sixth year to end of tenth year	120 hours annually
Beginning of eleventh year to end of fifteenth year	144 hours annually
Beginning of sixteenth year to end of twentieth year	160 hours annually
Beginning of twenty-first year to end of twenty-fifth year	184 hours annually
Beginning of twenty-sixth year onwards	192 hours annually

Note: Per the Fair Labor Standards Act (FLSA), no exempt employee's salary will be subject to reduction when the exempt employee is absent for less than a day and has exhausted their vacation, personal and comp time leave benefit.

Annual Leave for Regular Part-Time Employees (20+ hrs/week)	
Years of Service	Yearly Total
During the first five years	40 hours annually
Beginning of fifth year to end of tenth year	60 hours annually
Beginning of eleventh year to end of fifteenth year	72 hours annually
Beginning of sixteenth year to end of twentieth year	80 hours annually
Beginning of twenty-first year to end of twenty-fifth year	92 hours annually
Beginning of twenty-sixth year onwards	96 hours annually

4.2.1 Scheduling of Vacations

Employees shall submit vacation requests for approval as soon as possible in advance of the vacation leave date. Holidays occurring during scheduled vacation leave will be charged as holiday leave. In respect for the continuity of City operations, proposed Vacation leave dates shall be discussed and submitted via the payroll timesheet software to gain official approval from the department head, or the City Administrator (if the employee is a department head), or the Mayor (if the employee is the City Administrator). In rare instances or in extenuating circumstances, the City Administrator may have the discretion to waive the requirement of prior approval.

For those employees who have accumulated at least one hundred sixty (160) hours, no more than eighty (80) hours shall be taken at one time, unless special permission is granted by the Department Head, or the City Administrator (if the employee is a department head), or the Mayor (if the employee is the City Administrator). This requirement is to ensure the continuity of the operation of City services.

4.2.2 Vacation Leave Cap

Employees are encouraged to use all their earned vacation days each year. On their

anniversary date, employees are not eligible to earn any additional vacation once they have reached one and one-half times their annual vacation accrual limit, until they use all or a portion of their earned vacation. One and one-half times the annual vacation accrual limit is equivalent to one and one-half times the maximum number of vacation hours an employee is entitled to earn during a given vacation accrual year, based on the employee's length of service. For example, an employee with eleven (11) years of service may earn up to one hundred forty-four (144) hours of vacation during the vacation accrual year (the employee's annual vacation accrual limit). Thus, this employee will not accrue any additional vacation time until the earned vacation time is used and the number of hours in the employee's "vacation bank" is reduced to below two hundred sixteen (216) hours. Any vacation remaining at the end of the anniversary year, up to the cap, will be carried over.

4.2.3 Unused Vacation Leave at Termination of Employment

Employees will not be allowed to use vacation leave, unless approved by the City Administrator, in the final two weeks prior to termination of employment relationship to ensure a successful transition of work responsibilities. Employees who have unused earned vacation leave at the conclusion of their last day of employment—upon resignation, retirement, termination or death—shall be paid for such unused earned vacation leave in their final paycheck at their current rate (base pay + longevity). In the event of employee death, the deceased's personal representative, if such is determined, or the next of kin shall be paid any unused vacation leave and may be subject to a surety bond protecting the City from further claims by the estate.

4.3 Sick Leave—including Leave for Injury

All eligible employees—regular full-time employees and regular part-time employees—shall be provided with paid sick leave for use if incapacitated by illness or injury, if due to contagious disease, the employee's presence at work would jeopardize the health of others, and for medical, dental, optical, or other health care appointments. Those employees will be issued monthly sick leave in the following increments:

- Regular full-time employees will accumulate eight (8) hours monthly or ninety-six (96) hours annually. Max accumulation is nine hundred (900) hours.
- Regular part-time employees will accumulate four (4) hours monthly or forty-eight (48) hours annually. Max accumulation is four hundred fifty (450) hours.

Sick leave for an eligible employee shall begin accruing on the day the employee enters service with the City, with any sick leave for a fraction of a month to be issued on a pro-rated basis. An employee may use any accrued sick leave during their introductory period. Sick leave shall be subject to the following rules:

1. Sick leave may only be used for the situations identified in Section 4.3.1;
2. Sick leave shall not be granted in advance of accrual. Eligible employees may be authorized to use vacation leave, personal leave, compensatory time, or leave without pay (**See 4.5.1 'Voluntary Leave of Absence Without Pay;**) when sick leave is exhausted;
3. Notification of utilization of sick leave shall be made to the Department Head, City Administrator (in case of a Department Head), or Mayor (in case of the City Administrator) on as timely basis as is possible or by the time their normal workday begins. Failure to notify the City of an absence may be grounds for disciplinary action as identified in Section 6—this leave will be deducted from one of the following leave sources, in this order: compensatory time, personal leave, and vacation leave;
4. Approval in advance shall be obtained for non-emergency health care appointments;

5. The City may request and obtain medical certificates or otherwise verify the circumstances surrounding the utilization of sick leave, the abuse of which may be grounds for disciplinary action as identified in Section 6;
6. The minimum period of sick leave shall be no less than a 15 minute increment;
7. Sick leave may be used by an introductory employee during the introductory/evaluation period, but only if it has been accrued. If an introductory employee has no accumulated sick leave and is absent due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from their allocated personal leave. At the exhaustion of personal leave and at the discretion of the City Administrator, a regular employee may request and be granted an advance of sick leave—up to a maximum of 48 sick leave hours for full-time employees or up to a maximum of 24 sick leave hours for eligible part-time employees—or may request a voluntary leave of absence without pay;
8. If an eligible employee has exhausted accrued sick leave and is absent due to illness or for any other reason for which sick leave is allowed, leave will be deducted in the following order: compensatory time, personal leave, and vacation leave. If all sources of leaves are exhausted, an employee may request leave through the 'voluntary leave transfer program' (See **4.3.3**).

4.3.1 Eligible Uses of Sick Leave

Employees may use earned sick leave for personal needs or the needs of immediate family—spouse, domestic partner, children, grandchildren, grandparents, parents, and others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee. Reasons for sick leave include, but are not limited to, medical, dental, or optical examinations and care (including preventative care) for the employee or immediate family; treatment of a mental or physical illness, injury or health condition; care for an immediate family member with a mental or physical illness, injury or health condition; maternity or paternity leave; sickness that renders the employee incapable of performing his/her required job duties; or for exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by the employee's presence on duty. Depending on the seriousness of the injury or illness, the employee may be required to present a doctor's certificate indicating that they are capable of returning to work. Department Heads will have the authority to send employees home if they feel it is necessary for the well-being of all employees. Any employee who does not follow this rule shall be subject to disciplinary actions.

4.3.1a Parental Leave

The City provides maternity or paternity leave to all employees. Employees should notify their Department Head about their intention to take this leave with as much notice as is possible to ensure continuity of operations. The benefits are as follows:

- An employee is eligible to take up to 12 work weeks of unpaid, job-protected leave as per the Family and Medical Leave Act (See Section 4.5.2).
- An employee may enroll in a short-term disability policy that is offered through the City's insurance provider and paid for at the employee's expense.
- An employee may use all previously earned leave, including sick, compensatory, personal, or vacation leave.
- An employee's health insurance will continue during the parental leave period; however, the employee shall be responsible to pay for their portion of the coverage. Arrangements should be made prior to the start of the leave period if any unpaid leave is utilized.

It is requested the employee maintains regular contact with their Department Head to discuss their expected return to service and their return-to-work plan.

4.3.2 Work-Related Injury or Illness Leave

Subject to the Statutes of Nebraska (Section 48-101), all employees of the City who suffer on-the-job accidents or injuries are covered by the Worker's Compensation Act. When on-the-job accidents occur, they must immediately be reported to the Department Head and a call should be made to the EMC nurse, if practical. An Accident Report must be completed by the employee and turned in to HR within 24 hours of incident. Employees injured on City jobs who are eligible to receive worker's compensation disability payments shall receive the worker's compensation check and the City will provide, in gross wages, the difference between the worker's compensation payment and the amount of the employee's earned wages during a given pay period. The difference in the worker's compensation check payment and the employee's regular base pay shall be prorated against the employee's accumulated sick, holiday, personal, and vacation leaves. Once these have been exhausted, the employee will only be eligible for the worker's compensation payment.

All employees must give their Department Head written notice (at least seven calendar days, if possible) of any non-emergency treatment or surgery for any alleged work-related injuries or illnesses. This notice will ensure that City operations are able to continue as normal.

4.3.3 Voluntary Leave Transfer Program

Under the Voluntary Leave Transfer Program, an employee eligible for leave, as defined by Employee Handbook Section 1.1 'Classification of Employees', may voluntarily transfer leave directly to another eligible employee who has a personal or family medical emergency and who has exhausted their available paid leave (sick, compensatory, personal, vacation). There is no limit on the amount of donated annual leave a recipient may receive from donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency ends and the employee returns to regular work status. The program shall be subject to the following provisions:

1. Eligible Participants: An eligible participant is anyone defined as a regular full-time or regular part-time employee as defined by Section 1.1 of the Employee Handbook.
 - a. Application to Become a Leave Recipient: An employee must complete a Leave Transfer Request Form to be eligible for leave donations. Forms are available in the Human Resources Office at City Hall. Certification regarding the medical emergency from one or more physicians must accompany the Leave Transfer Request Form. The City will contact all departments within ten (10) business days of a request for donated leave. Eligible employees wishing to donate leave to the recipient must complete a Voluntary Leave Transfer Form. Forms are available in the Human Resources Director's Office at City Hall.
2. Eligible Events: A medical emergency is a medical condition of either the employee or the employee's family member, defined under Section 4.3.1 'Eligible Uses of Sick Leave', that is likely to require the employee to be absent from duty for a prolonged period. A prolonged period is absence from duty without available paid leave for at least 24 work hours for a full-time employee or 12 hours for a part-time employee.
 - a. Use of Donated Leave: A leave recipient may use donated leave only for purposes related to the medical emergency for which the leave recipient was approved. A leave recipient must use any accrued annual leave (sick, compensation, personal, vacation) before using transferred donated leave. Donated leave will be utilized by the recipient the order it was donated. Leave transferred to a leave recipient may NOT be:
 - transferred to another recipient from the original recipient; or

- included in a benefits payout should the employee terminate employment (including death)
3. Eligible Transferrable Paid Leave: Available transferrable paid leave includes an employee's sick leave (only if donating employee has reached a threshold of 480 hours accrued), compensatory, personal, safety, and vacation leave balance up to the date of the transfer. Leave shall be deducted from the donor's current bank upon donation and shall be accounted for and maintained by the Human Resource and Finance Departments until used or returned to the donor.
 - a. Limitations on Leave Donations: An employee may donate not more than one-half of the amount of annual sick or vacation leave they would accrue during the leave year. Compensatory, personal and safety hours may be donated in their entirety.
 4. Termination of the Eligible Event: An eligible event terminates when one or more of the following occurs:
 - The leave recipient's employment is terminated;
 - The leave recipient provides written notice (doctor's note to return to work) that the eligible event is over; or
 - the leave recipient returns to work at their regular status.
 5. Restoration of Unused Donated Leave: Any unused transferred leave remaining to a leave recipient's credit on termination of the medical emergency must be restored to the leave accounts of the donors. Once transferred leave is restored to a leave donor's account, the leave is treated the same as other annual leave in the account and becomes subject to the annual leave cap limitations:
 - Restored unused sick leave causing the donor's balance to go over 900 hours will be lost.
 - Should the return of transferred leave cause a donor to go over the vacation cap amount, the employee will have 30 days to use the amount over the cap limit.

Leave shall be restored back to donors in reverse order of how it was donated, this is to account for its use in the order it was donated in.

4.3.4 Unused Sick Leave at Termination of Employment

Unless an employee meets one of the conditions in the following sentence, all sick leave accumulated by an employee shall not be reimbursed upon termination of the employment relationship with the City. An employee who retires in good standing after reaching the age of 'full retirement' or 'early retirement' as defined by the Social Security Administration; or who resigns in good standing with twenty (20) years of continuous service to the City; or who dies while employed with the City, shall be paid fifty percent (50%) of their accumulated sick leave balance.

4.4 Other Granted Paid Leave:

4.4.1 Administrative Leave:

In limited instances, the City Administrator may grant subordinate employees paid administrative leave, which will not require a leave request. A few of the qualifying instances are described below:

4.4.1a. Court and/or Jury Duty:

To be granted administrative leave for this reason, an employee must present to the HR Director an original summons or court subpoena and at the conclusion of service, a certified statement of the Clerk of Court confirming the start and end date.

- An employee who is required to serve as a juror or as a witness in a federal state, county, police, or municipal court or as a litigant in a case resulting

directly from the discharge of the employee's duties shall be granted leave with pay to serve in that capacity.

- An employee involved in court as an expert witness (not related to their duties as an employee) or in a personal case, either as a plaintiff or as a defendant shall not be granted administrative leave with pay. Instead, the employee's absence shall be deducted from their earned compensatory, personal, vacation leave. If all sources of earned leave, an employee may request a voluntary leave of absence without pay as specified in Section 4.5.1.
- Pay received from the court for such duty shall be given to the City Treasurer. Expense reimbursement shall be kept by the employee.

4.4.1b. Due to Emergency Closure of City offices:

- *During regular City office hours:* When an emergency condition necessitates the closing of a facility, the Mayor and/or City Administrator may make a determination as to whether a cancellation of work and facility closing is necessary. Facility closures may be site specific or City wide depending on the nature of the emergency. Employees may be assigned to other locations for work or be placed in a 'work from home' status. Depending on the nature of the emergency, employees may be required to work during the emergency condition at the direction of the Department Head or City Administrator. Employees will be required to provide their Department Head with a phone number and location where they can be contacted should the emergency condition end and work can be resumed. During the closure of City offices, reporting employees (employees using earned leave are excluded) may be placed on "leave-with-pay" status. Employees who report to work but leave prior to the time the facility is officially closed, or who cannot be contacted to return to work should the facility reopen, will be paid only for actual hours worked. They will be required to either make up the time absent from work or charge such time absent from work to accrued vacation, personal, or compensatory time leave. If a non-exempt employee does not have accrued vacation, personal, or compensatory time leave and is not able to make up that time during the same pay period, their work absence will be treated as unpaid leave.

In addition to their regular pay, employees who are required to work in the elements during an emergency closure (ex: snow removal, police, etc.) shall accrue one (1) compensatory hour for each hour worked during their regular shift. Hours worked subsequent to an employee's regular shift will be subject to normal overtime rules (See Section 3.7.2 'Overtime Pay) or 'call back' (See Section 3.8.3 'Call-Back Time'). Only regular full-time and regular part-time employees shall be placed in a "leave-with-pay" status. During an emergency closure, part-time employees and seasonal employees shall not report to duty and shall not be compensated in any way for time not actually worked.

- *Closure for more than one business day:* In the event an emergency causes a City facility to be closed for two (2) or more days, or in the event of unusual circumstances, pay allowance provisions for all employees shall be determined by the Mayor and/or City Administrator.

4.4.1c. Military Leave:

All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, shall

be entitled to a City-paid military leave of absence for not more than one hundred twenty (120) hours each calendar year. An employee shall be entitled to retain both their military pay and the City's military paid leave of absence. If an employee's military service extends past the City's allotted one-hundred twenty (120) hours for a calendar year, the employee may utilize any earned compensatory, personal, or vacation leave and/or will be allowed a leave of absence without pay for the duration of their service. If called to respond to a state of emergency declared by the Governor, an employee will not be eligible for a military leave with pay, but instead, they shall receive their normal compensation minus the state active duty base pay they receive in active service of the state. When an employee is called into active duty for an extended period, the City shall follow the Uniformed Services Employment and Reemployment Act (USERRA).

The City of Seward complies with the Family and Medical Leave Act (FMLA) as a covered employer and will grant eligible employees up to 26 workweeks of unpaid, job-protected leave in a 12-month period for military caregiver leave. To be eligible for leave under this policy, employees must meet all of the following requirements:

- Have worked for the City for a total of 12 months (can be non-consecutively); and
- Have worked for the City at least 1,250 hours over the twelve (12) months preceding the date the leave would commence. All periods of absence from work due to service in the uniformed services are counted towards this eligibility.

To qualify as FMLA leave under this policy, the leave must be for one or more of the following reasons.

- For a qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active-duty status. Qualifying exigencies for which an employee may take FMLA leave include short notice deployment, making alternative childcare arrangements for a child of the deployed military member, care for the military member's parent, attending certain military ceremonies and briefings, counseling related to the deployment, military member's short-term R&R leave, post deployment activities, or making financial or legal arrangements to address the military member's absence.
- To care for a covered service member, either currently in Armed Forces or an honorably discharged veteran within past five (5) years—spouse, child, next of kin, or parent—with a serious injury or illness.

Section 4.5.2 'Family and Medical Leave Act' provides more information.

4.4.1d Related to Work Operations:

An employee may be granted administrative leave with pay for the following circumstances:

- To compete for positions of employment within the City's hiring process;
- To present grievances or appeals to City officials; or
- In the event of the death of a current City employee, to allow for coworkers to attend the funeral.

4.4.2 Funeral Leave:

A. Due to Immediate Family Member Death: In the event of death of an employee's father, mother, spouse, child (included step or adopted), daughter-in-law, son-in-law, mother-in-law, father-in-law, sister, brother, sister-in-law, brother-in-law, grandparents, grandchildren, or legal dependent, the employee may be allowed leave with pay for reasonable and necessary absence for arrangement and

attendance to said funeral. Employee should define their relationship and location of the service on their submitted request to ensure the proper leave is issued—if these details are excluded, the request for leave may be denied. Family members not defined in the preceding sentences will be eligible for leave clarified in Part B.

Leave with pay will be allowed up to the following maximums and will not be deducted from funeral leave as described in Subsection 4.4.2B: twenty-four (24) hours per person and per event for a regular full-time employee and twelve (12) hours for a regular part-time employee. If more than the maximum time is requested and approved, it will be deducted from an employee's earned compensatory, personal, vacation, or sick leave.

- B. To Attend a Funeral, not eligible for 4.4.2A:** For time of travel to attend a funeral in Seward, leave with pay may be granted at a minimum of one (1) and a maximum of four (4) hours. For a funeral outside of Seward, a minimum of one (1) and a maximum of eight (8) hours leave with pay may be granted. The maximum leave with pay allotted to an employee per calendar year is twenty-four (24) hours for regular full-time employees and twelve (12) hours for regular part-time employees. If an employee has expended their allotment for the year, the employee may request use of leave to be deducted from earned compensatory, personal, or vacation leave.

4.5 Instances of Approved Unpaid Leave

The following instances will allow an employee to maintain employment with the City of Seward while on unpaid leave. Unpaid leave will only be allowed if previously approved by the City Administrator in writing.

4.5.1 Voluntary Leave of Absence Without Pay

In limited instances, and only when all sources of leave—compensatory, personal, vacation, or sick leave—or when an employee is not eligible for the Family and Medical Leave Act (FMLA), a request for a voluntary leave of absence without pay will be considered. All requests for unpaid leave must be made in writing and submitted to the Human Resources Director with as much advanced notice as is possible. The written request must describe the reason for the leave, the date on which leave would begin and the date on which the employee expects to return to active employment. Any employee who is granted such a leave shall be limited to a maximum annual leave—based on a floating 12-month calendar—in accordance with their length of service as follows:

Years of Employment	Max Unpaid Leave allowed
0 - 4.99	0 hours
5.0+	160 hours

Leave benefits—including sick, personal and vacation leave—issued to employees by the City shall be reduced proportionately during the leave of absence; however, the employee will still accrue service time in this employment status. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment. Failure to report at the expiration of the leave of absence shall be considered a resignation of position.

4.5.2 Family and Medical Leave (FMLA)

The City of Seward complies with the Family and Medical Leave Act (FMLA) as a covered employer and will grant eligible employees up to 12 workweeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons.

A. Eligibility

To be eligible for FMLA benefits, an employee must:

- Have worked for the City for a total of 12 months (can be non-consecutively); and
- Have worked for the City at least 1,250 hours over the twelve (12) months preceding the date the leave would commence. All periods of absence from work due to service in the uniformed services are counted towards this eligibility.

To qualify as FMLA leave under this policy, the leave must be for one or more of the following reasons.

- The birth of a child or for placement with the employee for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of their job.
- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active-duty status.
- To care for a covered service member with a serious injury or illness.

B. Amount of Leave

An eligible employee can take up to 12 workweeks of FMLA leave during any 12-month period or up to 26 weeks for the FMLA military caregiver leave. The leave will roll backward to the date the leave was requested. Employees may request to take this time consecutively or intermittently—in all cases, the leave cannot exceed 12 workweeks or 26 workweeks for military caregiver leave. Eligible spouses who are both employed by the City may take only a combined total of 12 workweeks of leave for the birth of a child, for adoption or placement of a child in foster care, or to care for a parent (but not a parent 'in-law') who has a serious health condition—or 26 weeks to care for an injured or ill servicemember). Leave for birth and care, or placement for adoption or foster care, must conclude with 12 months of the birth or placement.

C. Intermittent Leave or a Reduced Work Schedule

Under some circumstances, employees may take FMLA leave intermittently—taking leave in separate blocks of time for a single qualifying reason/exigency, or on a reduced leave schedule—reducing the employee's usual weekly or daily work schedule. Any changes to an employee's normal schedule must first be approved by the Department Head and City Administrator in writing before incorporation. When leave is needed for planned medical treatment, the employee should make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the City's approval.

D. Employee Notice Requirement

All eligible employees requesting FMLA leave must provide verbal or written notice of the need for leave to the Human Resources Director. When the need for leave is foreseeable, employees are asked to provide 30-days advance notice to take FMLA leave. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. Employees should provide sufficient information for City Administration to reasonably determine whether the FMLA may apply to the leave request.

Within five (5) business days after the employee has provided this notice, the Human Resources Director will complete and provide the employee with a FMLA Designation Notice, Notice of Eligibility and Rights, and may request a medical certification or other supporting documentation as is requested. At this time, the Human Resources Director will indicate how much leave the request qualifies for under the FMLA.

E. Employee Status and Benefits During FMLA Leave

An eligible employee on this unpaid leave will still be considered a City employee and will still continue to accrue their service time. The City will continue an employee's health insurance coverage during the FMLA leave period at the same level and on the same terms as if the employee was continuously at work. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment. In some instances, the City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

F. Employee Return to Work after FMLA Leave

The City requires employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the City may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave. Upon return from FMLA leave, an employee will be restored to their current position, or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

4.6 Health/Retirement Benefits

The City offers a total compensation plan consisting not only of hourly or salaried pay, but also of substantial employee benefits. The HR Director shall make information available concerning current benefits. Some benefits may be provided only at an employee's expense or eligible to certain employee classifications. Participation in the insurance programs shall be voluntary. The current program will outline any waiting period or pre-existing condition stipulations.

Only regular full-time employees are eligible for the benefits contained in this section.

4.6.1 Hospital and Medical Insurance

All regular full-time employees shall be offered an opportunity to enroll in health insurance on the first day of employ, which will then take effect in the subsequent month. Dependents of regular full-time employees shall be provided health insurance at the employee's request. The percentages that the City pays and the employee pays will be established during the budget process and employees will be notified of any changes on a yearly basis. Payroll deductions will be made for the employee portion of the premium.

4.6.2 Dental Insurance

The City shall incur the full cost to insure dental insurance for employees. Dependent dental insurance may be purchased through payroll deduction as specified by the employee's enrollment.

4.6.3 Vision Insurance

An employee shall incur full costs for coverage of themselves and their dependents for vision insurance. Enrollment for employee or dependent coverage will result in a payroll deduction.

4.6.4 Life Insurance

The City will offer to pay the costs to insure each eligible employee up to \$25,000. An employee may choose to purchase further coverage for themselves or their family at an additional cost paid solely by the employee. Enrollment for additional coverage will result

in a payroll deduction.

4.6.5 Retirement Systems

The City agrees to pay an adopted percentage. Employees will be advised of the percentage and are to have the same percentage deducted from their payroll to be paid into a retirement fund as per contract with the City's Retirement Plan Company. Overtime will not be included in figuring the percentage for regular full-time employees but will be included in figuring the percentage for Police Officers. Retirement for Police Officers will be governed by the City of Seward Police Pension Plan Document, which will be in accordance with Ordinance Number 913. Any full-time employee is allowed to make additional contributions to their own retirement plan or the City of Seward 457 Deferred Comp Plan, in accordance with the Retirement Plan provisions.



P.O. Box 38, 537 Main Street, Seward, Nebraska 68434. Phone: 402-643-2928. Fax: 402-643-6491. www.CityofSewardNE.gov

Date: August 15, 2023

To: *City Council*

From: *City Administration*

Re: **Employee Handbook Review – Section 5-7**

Working with City Administrator Butcher, below, you will find some highlights from a complete review of the current sections 5-7 to inform you of the proposed changes as well as an attached redlined version of the changes. The idea is to identify the topics that may have the most impact if implemented.

As per the request of the Personnel, Audit and Finance Committee, all employees were first provided the opportunity to review the proposed changes and provide feedback through July 24th. Following the completion of this time, items identified by employees were considered by Administration with some items incorporated into a draft presented to the Committee. The Committee met on August 8th and recommended adoption of Section 5-7 with suggestions of a few minor changes. These changes have been incorporated into the draft presented to the Council for consideration and adoption.

5.1 Employee Orientation (previously 'Orientation')

Employees within their introductory period, as established by section 1.5, will need to be oriented; therefore, it is key to have these sections reference each other. Additionally, expectations are laid out for the Human Resources Director and department head to properly orient an employee.

5.2 Employee Development (NEW SECTION)

Administration strives to provide employee development through various means; therefore, this section describes the objective of Administration to strive for increasing the capacity of employees.

5.2.1 Conferences and Education (previously 5.2 'Travel, Training, Education and Expense for Meetings')

A. Approval and Arrangements: Employees are encouraged to make advanced arrangements to secure the best rates for transportation, accommodation, and activity attendance. Moreover, the least expensive practical mode of transportation is encouraged; therefore, for lengthy travel, airfare may be more economical to automobile transportation. The City will also use the US General Services Administration (GSA) rate for determining the maximum allowable lodging expenditures.

B. Authorized Expenditures:

- 1) Registrations: No significant changes.
- 2) Travel & Mileage: If an employee is attending an activity out of the area for an overnight period, it is preferred a City-owned vehicle be used if available. The City will follow the current GSA rates for mileage if use of personal vehicle had been approved prior to travel.
- 3) Per-Diems & Meals: Previously the City had established rates, but these were incongruent with the GSA rates for in-state and out-of-state travel. For ease of implementation, the City proposes to create a per-diem flat-rate policy, where qualifying meals while in pre-approved travel status will be reimbursed with no receipt. The City will now reimburse at the GSA rate for the location of the meal/activity assuming the expense was during business-related events/travel, and submits within 5 business days of return.
- 4) Out-of-state travel: The topic of out-of-state travel was not previously identified in the handbook; therefore, the handbook shall now address the conditions in which an opportunity may be considered for approval.

- 5) Hours of attendance: No major changes—time utilized for these opportunities will be counted towards weekly hours and can be flexed if in addition to normal work hours.

5.2.2 College Credit Reimbursement Policy (NEW SECTION)

This section was previously identified under 'hours of attendance' but we felt it should be addressed by its own subsection. A regular full-time employee may submit a request for reimbursement if they can prove the courses directly benefits the City through their service to the City. Any approval shall be at the discretion of the City Administrator.

5.3 Employee Evaluations (NEW SECTION)

The employee evaluation system was not previously identified in the handbook, so the objective for this section was to formalize our updated procedures. These procedures have already been implemented for the April 1 – September 30th period. Regular part-time and full-time employees will be subject to review. For employees not of those classifications, they will proceed a step each successive April 1st with the City.

5.3.1 Performance Evaluation Process (NEW SECTION)

Again, the procedure was not formalized in previous handbook versions; therefore, the included section will identify the expectations of department heads, employees and Administration. It is our objective to create a consistent, transparent and fair process for all.

5.3.2 Effects from Performance Evaluation Rating (NEW SECTION)

This subsection will identify the qualifying benchmarks to advance the pay steps each April 1st.

SECTION 6: EMPLOYEE DISCIPLINE AND SEPARATION FROM EMPLOYMENT (previously 'Disciplinary Action')

6.1 Corrective and Disciplinary Actions (previously 'Policy')

The previous handbook identified class D, C, B and A infractions with elevated consequences up the scale. Administration feels this process should be simplified to identify a list of unacceptable (not all inclusive) behaviors and the disclaimer that any of these actions may result in disciplinary measures up to and including termination of employment. The forms of discipline will still include oral reprimand, written reprimand, suspension, demotion, formal notice of unsatisfactory job performance, or termination. These changes are not to create a heavy-handed approach, but rather to more cleanly identify the behaviors that will be subject to discipline.

6.1.1 Investigative Leave (previously '6.8 Protective Suspension')

No major changes, just an update to term this leave as 'investigative leave'

6.2 Separation from Employment

This section and subsections will identify all ways in which the employer-employee relationship could be terminated. Please note that non-appointed employees are employed 'at will', whereas 'appointed' employees must be removed via action from City Council.

6.2.1 Reduction in Force (previously section 7.1)

No major changes, other than identifying the possibility of reinstatement.

6.2.2 Dismissal from Employment (previously '6.5 Dismissal from Service')

No major changes.

6.2.2a Failure of Six-Month Introductory/Evaluation Period (NEW SECTION)

Mirrors section 1.5.1 – so changes.

6.2.3 Resignation from Employment (previously '7.3 Resignation')

No major changes – non-sick leave not allowed within final two weeks of employment.

6.2.4 Retirement from Employment (previously '7.4 Retirement')

The previous handbook version did a poor job of identifying what would qualify for retirement. The City will follow the guidelines set forth by the Social Security Administration. An employee may work past the retirement age guidelines; however, they must remain fit to continue in their role.

SECTION 7: EMPLOYEE APPEALS (PREVIOUSLY TERMINATION)

The grievance procedure was previously identified in section 6.9; however, Administration felt this topic needed to be expanded upon. There are three forms of appeal an employee could consider—disciplinary, performance evaluation based, or based on handbook interpretation.

7.1 Procedure (NEW SECTION)

An appeal for any of the three above should follow the same procedural format. This is to ensure consistency, fairness, and transparency for all parties.

SECTION 5: EMPLOYEE DEVELOPMENT

5.1 Employee Orientation

Employees within the regular full-time or regular part-time classification will serve in an introductory period for the first six (6) calendar months of employees (**See Section 1.5 'Introductory/Evaluation Period'**). The purpose of this is to permit the department head to closely observe and evaluate the capabilities and willingness of the new employee. During this time, the City shall encourage and assist the new employee in making a successful adjustment to working for the City.

The Human Resources Director shall be responsible for any orientation related to any salary or wage information as well as the employee personnel handbook. Each department head shall be responsible for facilitating the adjustment of an employee to their work situation by:

- 1) Preparing their workspace to adequately allow for execution of duties.
- 2) Providing clear performance expectations and objectives so the new hire understands what is expected and their responsibilities.
- 3) Discussion of the performance evaluation system and how they will be measured after their introductory period.
- 4) Introduction to members of their department or any other individuals with whom they will be working with regularly.
- 5) Instruction and guidance in learning to perform their job function.
- 6) Frequent discussion regarding the progress in learning and performing the work.
- 7) Discussion of any goals, objectives, or certifications/licenses to achieve in their first performance evaluation period.

5.2 Employee Development

The City Administrator and Human Resources Director, in coordination with department heads shall establish appropriate programs to develop the capacity of employees to render more effective service to the City. Such programs may include formal courses, seminars, workshops, demonstrations, directed readings, special assignments and other activities designed to improve employee knowledge, skill and job effectiveness with due consideration for the personal career objectives of employees and the enhancement of equal employment opportunity. Employee development activities shall be conducted during regular working hours to the extent possible.

5.2.1 Conferences and Education

The City encourages the development of job skills by allowing participation in available conferences, training sessions, and applicable business meetings whenever possible and economically feasible. Attendance of City employees at such meetings should be identified prior to establishment of the annual budget.

- A. **Approval and Arrangements:** Prior approval shall be required from the Mayor or City Administrator and assigned department head for attendance by the elected body or City employees at available conferences, training sessions, and business meetings. Employees shall make appropriate advanced arrangements for transportation, hotel accommodations, and activity attendance—the City will fund or reimburse an employee for such arrangements as are needed. The least expensive practical mode of transportation shall be authorized. If the event is not held in a hotel and would require an overnight stay, attendee shall utilize the U.S. General Services Administration (GSA) to determine the maximum allowable lodging expenditure.
- B. **Authorized Expenditures:** The following expenditures will be authorized at the discretion of the Mayor, City Administrator or department head in regards to previously approved attendance at an employee development opportunity. Please note, that no request for reimbursement will be issued for any expenses

incurred without a valid receipt approved by the Mayor, City Administrator or assigned department head.

- 1) **Registrations:** The City shall pay the registration costs, tuition costs, or fees for an employee to attend required/approved conferences, training sessions and business meetings. All registrations must be made in a timely manner in order to receive any discounts in the fees. Anyone who registers for an employee development opportunity will be required to be in attendance. If, for some reason an employee is not in attendance with no unavoidable reason provided, the City will require reimbursement of all associated fees. Non-attendance with an unavoidable reason provided will be reviewed and approved at the discretion of the Mayor or City Administrator.
- 2) **Travel to Authorized Function:** When automobile transportation is appropriate to attend an engagement out of the area without an overnight stay, use of a City-owned vehicle is the preferred mode. If a City-owned vehicle is not available, the engagement includes an overnight stay, or if the City Administrator authorizes the use of a personal vehicle, the employee shall be at the established U.S. General Services Administration (GSA) rate per mile. Odometer readings shall accompany any mileage reimbursement requests. Employees may also submit a reimbursement request for any parking or storage expenses while on this travel. Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited during travel to and from the authorized event.
- 3) **Per-Diem Meal Reimbursements:** Employees in pre-approved travel status may be eligible for a flat-rate per-diem reimbursement if certain conditions apply:
 - Travel was previously requested and approved by supervisor prior to embark.
 - Breakfast may be reimbursed if the employee enters travel status before 6:30AM or had an overnight stay the night before. A flat rate will be paid based on the location of embark or hotel location of stay.
 - Lunch may be reimbursed if the employee enters travel status before 11:00AM or returns from the previous night's stay at or after 2:00 PM. A flat rate will be paid based on the location of the employee's meal location.
 - Supper may be reimbursed if an employee enters travel status after 5:00 PM or returns from the previous night's stay at or after 7:00 PM. A flat rate will be paid based on the location of the employee's meal location.

Meals will be reimbursed at a flat, established rate per meal instituted by the U.S. General Services Administration (GSA) for the approved employee development or business travel event. This practice shall apply to both in- and out-of-state travel. Attendee shall reference gsa.gov and associated location(s) to determine the expected amount to be reimbursed for qualifying meals. An employee must include or verify the following items for consideration of a meal reimbursement request:

- i. Reimbursement will only be given while the employee was performing services as an employee.
- ii. An employee must include the following information with a

reimbursement request:

1. For Breakfast - Date, Time and location of embark or hotel stay.
2. For Lunch - Date, time, and location of embark and meal location (City, State).
3. For Supper - Date, time and location of embark and meal location (City, State).
4. **An employee must submit documentation confirming their reimbursement request, including details for each requested meal, within five (5) business days from return of travel event for consideration of per-diem reimbursement. NO receipt will be required for submittal.** Requests submitted after this time period may be approved at the discretion of the department head and/or City Administrator.

For ease of City accounting, it is requested the employee use a personal form of payment and submit a request for per-diem reimbursement upon return.

- 4) **Out-Of-State Travel:** Attendance of employee development opportunities within the state of Nebraska is always the preferred option. Should no equivalent opportunity exist locally, a request for approval of out-of-state travel may be considered and approved at the discretion of the Mayor or City Administrator. Such request shall include a copy of any conference brochure, an itemization of anticipated costs, a statement of the purpose of attendance in terms of what the participant hopes to accomplish and how the City will benefit, and a proof that a comparable activity is unavailable in Nebraska or impractical to attend. If air travel is proven to be the more economical option based on time and cost considerations, the employee shall book and will be eligible for reimbursement only for travel in the economy class. Upon completion of the travel, the participant may be requested to prepare a report for the City Administrator assessing the value of the activity and how it may benefit City operations.
- 5) **Hours of Attendance:** Any hours of attendance or travel time to the employee development event over the regularly scheduled work hours as prescribed for that employee, shall be flexed as time-off during the same pay period whenever feasible. If the department head determines that time-off is not feasible, full-time employees will be allowed to accrue these hours as compensatory time or receive overtime pay. Time utilized for social hours, non-business meals, or personal business are not to be included in hours of attendance.

5.2.2 College Credit Reimbursement Policy

The City shall provide financial assistance on a reimbursement basis to a full-time employee, for pre-approved job-related college credit courses. An employee must submit a written request to the City Administrator at the start of each quarter/semester, which specifically explains how the course directly relates to their position and will enhance their job skills/abilities. To receive financial assistance, the employee must provide City Hall with proof of successful completion of the course along with documentation (billing statements/receipts) of course tuition, books or laboratory fees. The employee

will be reimbursed up to fifty percent (50%) of all eligible costs at the determination of the City Administrator.

5.3 Employee Evaluations

The work performance of each regular full-time or regular part-time employee, who has completed their introductory/evaluation period, shall be evaluated on a semi-annual basis, for periods ending September 30th and March 31st. The primary reason for performance evaluations is to identify employee strengths in order to reinforce good habits and identify and develop plans for improvement in deficient aspects. This review also serves to make employees aware of and to document how their job performance compares to the goals and responsibilities of their position. A supervisor shall informally provide day-to-day feedback and counseling outside of the employee evaluation to ensure that expectations are being met to encourage a successful evaluation rating. The City strives in assisting employees in the development and progression of professional abilities to achieve personal, as well as work-related goals; therefore, any goals identified for the coming evaluation period should be formulated with employee development in consideration.

A formal evaluation, on the prescribed form(s), shall be made by the department head or the employee's immediate supervisor. The evaluation shall become official when reviewed and approved, with any necessary modifications, by the City Administrator. Employees shall be shown copies of their performance evaluations for discussion and for acknowledgment by signature. Employee evaluations shall be kept with the employee file when completed. Employees disagreeing with their evaluations may seek adjustments through use of the appeals procedure, as specified in **Section 7.2**.

5.3.1 Performance Evaluation Process

In preparation for an upcoming evaluation period, the following steps should be undertaken to ensure fair and effective evaluations:

1. Prior to the start of the next evaluation period, an immediate supervisor or department head should consult with an employee to establish realistic, specific, and measurable goals which will further employee development and enhance departmental operations.
2. Proposed goals shall be reviewed and approved by the department head, signed by the employee, and forwarded to the City Administrator for review prior to the April 1st or October 1st start of the evaluation period.
3. Supervisor shall provide informal day-to-day consultations about an employee's progress versus stated goals or expectations. Supervisor shall note any observed behaviors, significant incidents, accomplishments, negative performance or disciplinary actions within the six-month evaluation period.
4. Near the conclusion of the current evaluation, immediate supervisor or department head shall take into account observed behaviors and performance and consider evaluation ratings. The supervisor shall schedule a private and uninterrupted meeting with the employee after ratings have been completed.
5. The employee shall be provided a copy of the evaluation prior to the evaluation meeting.
6. The evaluation meeting shall include the following elements:
 - a. A setting where the employee is able to express themselves freely.
 - b. Reinforcement of positive behaviors and discussion of shortcomings.
 - c. Identification of any underlying personal or work-related problems the employee is experiencing which may negatively affect performance.
 - d. Planning of realistic, specific, and measurable goals for the subsequent evaluation period based on evaluation of current progress.

7. Following the evaluation meeting, the employee, department head, and City Administrator will review and sign the document which will become part of the employee's permanent record.

5.3.2 Effects from Performance Evaluation Rating

As specified in **Section 3.4 'Annual Performance Pay'**, an employee must maintain at least a 'Meets Expectations' average cumulative rating for both semi-annual evaluations to be eligible to move to the subsequent step. Step advancement, and new rate of pay, will be effective each April 1st. An employee that achieves below a 'Meets Expectations' average cumulative rating for both semi-annual evaluation periods shall not be eligible for step advancement, may be subject to a probationary period of performance review as specified by the City Administrator, or may face disciplinary action up to and including termination of employment.

5.4 Employee Awards Program

At the discretion of the Mayor, the City of Seward may provide one recognition dinner each year for the elected body and employees of all classifications. The maximum cost for such dinner shall be established in the budget process and compliant to any Nebraska statutory limitations. Employees shall be recognized for the following service milestones with presentation of a certificate and a gift of appreciation in the following amounts:

Years of Service	Gift Amount	
10	\$15.00 \$ 50.00	
15	\$30.00 \$ 75.00	
20	\$80.00 \$100.00	
25	\$110.00 \$125.00	
30	\$140.00 \$150.00	
35	\$170.00 \$175.00	
40	\$200.00	
45	\$230.00 \$225.00	
50	\$260.00 \$250.00	

SECTION 6: EMPLOYEE DISCIPLINE AND SEPARATION FROM EMPLOYMENT

6.1 Corrective and Disciplinary Actions

Employees of the City are expected to act in a mature and professional manner while performing services for the City. It should be noted that an employee working for the City is viewed in a public light; therefore, off-duty conduct should also positively espouse the qualities that brings credit to the City. The following section sets forth general guidelines regarding unacceptable conduct in the workplace. However, your employment with the City does not create a contractual relationship, and as an 'at-will' employer the City may terminate an employee's employment regardless of whether unacceptable conduct was engaged or not. Disciplinary procedures for sworn Police Officers shall be governed by the procedures included in the Civil Service Rules & Regulations in accordance with State Law and adopted by the City Council.

It shall be the responsibility of all supervisors to supervise reasonably and impartially, and when necessary, recommend disciplinary procedures upon the personnel assigned to them. A recommendation for disciplinary action shall be lodged with the Human Resources Director, who will then review with the City Administrator to determine the appropriate response to the infraction(s) raised. Depending on the severity of the infraction(s), an employee may be subject to discipline up to and including termination. The following forms of disciplinary action may be considered at the discretion of the City Administrator in coordination with the Human Resources Director: oral reprimand; written reprimand; suspension, with or without pay or

demotion to a lower classification; formal notice of unsatisfactory job performance requiring a six-month evaluation period of fitness to continue service; or immediate dismissal from City service. Disciplinary action may affect an employee's request for transfer, promotion within City service, or achieving subsequent steps in the City's pay plan structure. Failure of an employee to report an observed disciplinary matter in an expedient manner may result in the employee receiving discipline up to and including termination. For appeals to disciplinary action, please consult **Section 7** which describes the process.

The following is a list (not all-inclusive) providing examples of unacceptable conduct:

- 1) Failure to observe safety precautions or operating procedures that may or do result in injury, property damage or death. Failure to report to assigned department head anticipated treatment or surgery for a work-related injury.
- 2) Failure to report to work at the appointed time or place; or absence without leave; or taking unauthorized or excessive time for lunch or rest break; or unauthorized early departure from duties with or without proper relief.
- 3) Unauthorized solicitation, or distribution or display of, unauthorized literature during regular work time.
- 4) Conducting excessive personal business on City time, including excessive use of cell phone.
- 5) Discourteous or unprofessional behavior to a member of the public or another City employee.
- 6) Abuse, misuse, neglect, sabotage, or waste of City property.
- 7) Horseplay, loafing, or sleeping while on duty.
- 8) Slander, defamation, backbiting or subversion of other employees, supervisors, managers, or elected officials.
- 9) Use or attempted use of intimidation or coercion to obtain an advantageous result.
- 10) Violation of City policies and procedures, as specified in writing or verbally understood.
- 11) Unauthorized obtaining, use or communicating release of confidential, sensitive, or privileged information.
- 12) Intentional unavailability for, refusal, or inability to maintain physical/mental readiness to work during a call-back event or in the case of a community disaster.
- 13) Abuse of sick leave or other paid leaves.
- 14) Conduct unbecoming of a City employee, tending to be prejudicial to the reputation on the City government, or otherwise contravening the public interest.
- 15) Failure by an employee to assume responsibility or exercise diligence, intelligence and interest in the pursuit of assigned duties either in quality or quantity, or whose performance is below acceptable standards as established in the performance evaluation system.
- 16) Insubordination, including the willful refusal to comply with lawful order of higher authority. The term 'lawful order' shall mean a directive authorized by law, rule, or regulation.
- 17) When required by job description and duties to possess a driver's license or Commercial Driver's License, suspension, revocation of or inability to possess a

driver's license, including the inability for the City to obtain automobile insurance of the employee due to infractions.

- 18) When required by job description to obtain or retain required licenses, certifications, or classifications, the inability or failure to do so in the timeline provided in the approved job description.
- 19) Theft of public or private property, or property belonging to the City including misappropriation of any City property.
- 20) Unlawful harassment.
- 21) Consumption, being under the influence of, or possession of non-prescribed drugs or alcohol while on duty. Failure to notify a supervisor of prescription drugs that may impair an employee while on duty.
- 22) Unauthorized or improper use of official authority, including making false statements in connection with any official duties.
- 23) Acceptance of any bribe for performance or non-performance of duties.
- 24) Conviction of a Felony or a Class I Misdemeanor.
- 25) Gambling during regular work hours or on City property.
- 26) Fraud, falsification, or deceit in the conduct of City business or of any City document or record.
- 27) Unauthorized possession or use of firearms or hazardous materials during regular work hours or on City property.
- 28) Work disruption or stoppage, engaging in a strike, work stoppage or slow down, or other forms of job action withholding timely delivery of City services.
- 29) Acts or threats of physical violence directed towards City officials or employees, or any third-party during work hours, duties, or functions. Fighting while on duty.
- 30) A supervisor who knowingly issues an order requiring a subordinate to commit an illegal act and an employee who knowingly obeys an order requiring committal of an illegal act.
- 31) Failure to report an observation of the above notated items of unacceptable conduct to department head and/or Human Resource Director.

6.1.1 Investigative Leave

When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, they may be placed on investigative leave—with or without pay—for the duration of the investigation or proceedings if necessary to protect the public interest. Such suspension action shall require the approval of the Mayor or City Administrator, or appropriate authority and any return to duty shall be under such terms and conditions as may be specified by the Mayor or City Administrator, or appropriate authority.

6.2 Separation from Employment

Employment for non-appointed and non-contracted positions with the City is on an "at will" basis. Employment "at will" means that either the employer or the employee may terminate the employment relationship at any time, with or without cause, and with or without notice. Contracted employees may be removed as per the terms outlined in the employment agreement. Per Nebraska statutory requirements, removal of appointed officers (**found in City Code Chapter 85**) of the City may be recommended by the Mayor with approval of a

majority of the City Council present at a regular meeting. Permanent employment or employment for a specific term is neither guaranteed nor promised to any employee.

Employees separating their employment with the City, whether through layoff, dismissal, resignation, or retirement, shall be responsible for returning any City property that they have in their possession. Such property as identification cards, badges, keys, etc., must be returned to the department head or Human Resources Director on the last day of employment. Additionally, an exit interview shall be arranged on the employee's last day of active service. Employees who leave service in good standing may qualify for re-employment as provided in **Section 1.4 'Reinstatement of Previous Employees.'**

6.2.1 Reduction in Force (Layoff)

As an 'at-will' employer, a non-appointed or non-contracted employee may be laid off because of a reduction in required personnel, reorganization of a department or City Function, a decrease in workload, or a lack of funds. Whenever possible, employees who are to be laid off in one department shall be integrated into another department by transfer. Determinations of department transfer will include the following determinations: length of City service; performance record; acquired certificates and licenses; and knowledge, skills, education, and abilities.

For those employees not covered by State Civil Service laws, the following procedure will be utilized when a layoff is necessary:

- 1) The City Administrator will determine how many employees are to be reduced from the payroll.
- 2) The City Administrator will determine by skill levels, work record and length of service, who are the employees to be reduced.
- 3) The City Administrator will determine those employees who are in critical jobs which are exempted from this procedure. A critical job is defined as one which requires special skills, education, training, or specialized knowledge.
- 4) The City Administrator will review any lay-off determination with the Mayor and City Council prior to issuing formal notice to affected employees.

The City will provide at least two (2) weeks' written notice of a layoff prior to the effective date unless an emergency exists. The written notice shall include the reasons for the action as well as last date of work and benefit coverage information. Within two years following the effective date of the reduction in force, any person terminated solely because of the reduction in force shall be afforded an opportunity for reinstatement to the same position from which the termination occurred or a position below the former position, provided that the person is qualified to perform the duties of the position and such reinstatement would be in the best interest of the City.

6.2.2 Dismissal from Employment

Dismissal of a non-appointed or non-contracted employee may occur if an infraction, or series of infractions, are so grave in nature that continued employment would affect the operational effectiveness of the department. In these instances, the department head shall confer with the City Administrator describing the infraction(s) and the reason(s) for recommendation of dismissal. The recommendation shall be reviewed by the City Administrator after consultation with the Human Resources Director. If it is determined that dismissal should occur, written notice of such determination shall be given to the affected employee and the Human Resource Department for inclusion in the employee's personnel file. The notice shall clarify the infraction(s) committed and the last date of employment as well as the deadline to appeal the action via writing. Please refer to **Section 6.2** for a description for dismissal of appointed

employees.

6.2.2a Failure of Six-Month Introductory/Evaluation Period

At any time during the six-month introductory or evaluation period, an employee may be dismissed from the City service or may be reassigned by lateral transfer or demotion if their conduct, quality of work and/or fitness are insufficient to continue in the position. See **Section 1.5.1 'Failure of Introductory or Evaluation Period'** for further information.

6.2.3 Resignation from Employment

All appointed officials as defined by City Code and without a contract, who desire to resign in good standing, shall provide a written resignation to the City Administrator a minimum of forty-five (45) days prior to the effective date of their resignation. Non-appointed employees, without a contract, who desire to resign their position in good standing, shall provide a written resignation to the Human Resources Director at least two (2) weeks prior to the effective date of their resignation. Earlier notification is preferred if possible. Accrued non-sick leave will not be allowed during the final two (2) week time period, except by agreed upon, written conditions between the employee and the Mayor or City Administrator. Compensation for any accrued, eligible leave balances, in accordance with **Section 4.2.3 'Unused Vacation Leave at Termination of Employment'** and **Section 4.3.4 'Unused Sick Leave at Termination of Employment'**, will be issued to the employee with their final paycheck.

6.2.4 Retirement from Employment

An employee is eligible for retirement when they've reached the age of 'full retirement' or 'early retirement' as defined by the Social Security Administration. An employee may continue their employment beyond the full retirement age if they desire and remain capable of performing the mental and physical responsibilities as defined in their associated job description. In these instances, and at the discretion of the City Administrator, employee may be required to undergo appropriate examinations to determine whether they should continue in employ if signs are observed of them not being able to perform the duties required by the position.

An employee who qualifies for retirement will be entitled to their benefits as outlined in **Section 4.6.5 'Retirement Systems'** as well as payout for any accrued, eligible leaves in accordance with **Section 4.2.3 'Unused Vacation Leave at Termination of Employment'** and **Section 4.3.4 'Unused Sick Leave at Termination of Employment'**.

SECTION 7: EMPLOYEE APPEALS

It is the preferred option for employees to informally take any job-related complaints, evaluation appeals, or questions about disciplinary action to their immediate supervisor for resolution. The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed however, as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination. **Note:** For Police Department employees subject to the Civil Service Act, the appeals procedure for any topics established in the Civil Service Commission Rules & Regulations governs. The following types of appeals fall under this category:

- ***Disciplinary:*** The City strives to provide fair and equitable treatment to all employees and to provide a welcoming atmosphere. If an employee feels disciplinary action was unjustly applied or if an employee is experiencing an unwelcome atmosphere, an appeal or complaint can be made.

- Performance Evaluation: By their very nature, performance appraisals are subjective, even though they include objective performance standards. Immediate supervisors and department heads are in the best position to evaluate an employee's work performance and work behavior. For this reason, the Human Resource Director will not attempt to substitute their judgment for the supervisors unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory, or just plain wrong based on verifiable data. If an employee feels they have been incorrectly evaluated, an appeal can be made.
- Handbook Interpretation: The basis of the handbook is to provide a transparent, equitable, and consistent opportunity for all City employees by providing good working conditions, opportunity for advancement, consideration for employee welfare and a basis for understanding the conditions of City employment. If an employee feels an item within the handbook has been handled incorrectly by a department head or City Administration, an appeal can be made.

7.1 Procedure

An employee wishing to file an appeal or complaint, should follow the formalized procedure as identified below:

Step One: If an employee wishes to file an appeal or a complaint, it shall be presented in writing to their department head within five (5) business days from the time of occurrence. The appeal/complaint shall clearly state the basis and the relief requested. The department head will review the complaint with the City Administrator and Human Resource Director. Upon completion of review, the department head shall respond to the employee in writing within five (5) business days after receipt. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint in further detail or to complete an investigation.

Step Two: If an employee still feels the answer is not satisfactory, they may appeal the decision in writing to the Mayor within five (5) business days after receiving the written response from the department head. The Mayor will investigate the complaint within ten (10) business days. The investigative process may include any of the following: a review of the written summary of the employee's statement, a review of the department head and City Administrator's findings, discussions with all witnesses or individuals concerned, and a further investigation by the City's Labor Attorney if necessary. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results and decision based on that investigation. The decision will be final and binding.

~~3.19 Emergency Situations Warranting Meals for Employees~~

~~Nonalcoholic beverages and meals; may be provided for employees while performing or immediately after performing relief, assistance, or support activities in emergency situations, including, but not limited to tornado, severe storm, fire or accident.~~

~~4. EMPLOYEE BENEFITS FOR REGULAR FULL TIME EMPLOYEES~~

~~4.1 Holiday/Personal Leave s (Updated 11-15-16)~~

~~City offices, except the Police Department and such other offices that are open twenty-four (24) hours a day shall be closed on the above noted following Holidays, though some employees may be subject to on-call (See 3.8.2) or call-back (See 3.8.3) provisions. Employees not subject to on-call or call-back provisions will have no expectation to perform job related duties on an observed holiday. All employees will be paid at their normal rate on the following holidays:-~~

~~1) Official Holidays Declared, Closing of Offices.~~

~~The following named days shall be the official holidays for City of Seward Employees:-~~

- ~~New Year's Day—January 1~~
- ~~Birthday of Martin Luther King Jr.—third Monday in January~~
- ~~Memorial Day—last Monday in May~~
- ~~Independence Day—July 4~~
- ~~Labor Day—1st Monday in September~~
- ~~Veteran's Day—November 11~~
- ~~Thanksgiving Day—4th Thursday in November~~
- ~~Discretionary—Day after Thanksgiving~~
- ~~Christmas Day—December 25~~
- ~~3-4 Personal Days (twenty-four (24/32) hours) —subject to Personal Day Cap~~
- ~~(Effective 3-1-06 eliminated Birthday Holiday)~~

~~Note: If an official-observed holiday shall occur/falls on a Saturday, when such offices are normally closed, the holiday shall be determined to occur as observed on the preceding Friday just preceding it. If said an observed holiday shall occur/falls on a Sunday, when such offices are normally closed, the holiday shall be determined to occur/observed on the Monday following. All regular full-time Police Officers, reporting for duty on the observed holiday, will be compensated for holidays on the day of the actual holiday at the overtime rate of time and one-half (See 3.7.2). All non-reporting, regular full-time Police Officers, will observe the holiday in the same manner as all other City employees, with compensation for eight (8) hours at their normal rate.~~

~~At the Mayor's discretion, City offices may be declared as closed on other recognized holidays, and, in those instances, all employees scheduled to work that day will be paid at their normal rate or at the Police Officer compensation rate as noted above.~~

~~4.1.1 Personal Day Cap Leave Provisions:-~~

~~All regular full- and regular part-time employees (see 1.1), including those in their introductory/evaluation period (See 1.5), shall be issued annual personal leave renewed each January 1st.~~

- ~~• Regular full-time employees will acquire thirty-two twenty-four (24/32) hours~~
- ~~• Regular part-time employees will acquire sixteen (16) hours~~

~~of Personal leave time each January 1 (twelve (12) hours for regular part-time). Any Personal leave time not used by December 31st of each year will be carried over to the next year; however, time carried forward from the prior year will be deducted from the twenty/thirty-two (32) or sixteen (16) four (24) hours acquired on January 1 so that no~~

employee will have more than ~~their cap twenty-four hours (twelve (12) hours for regular part-time) of Personal time available~~ at any given time. Personal leave must be taken a minimum of ~~two hours-15 minutes~~ at a time. ~~(New employees will be assigned personal leave on eligible a for this leave on a pro-rated basis from their date of hire through December 31st, with a full complement of eligible hours to be assigned in the following year).~~ Unused Personal leave ~~---payouts~~ upon resignation, termination or employee death ~~-- will follow the vacation payout policy. (Updated 11-15-16) be issued in same manner as vacation payout.~~

~~Due to the work schedule of the Police Department, all regular full-time sworn Police Officers will be compensated for authorized holidays on the day of the actual holiday, all other Police non-sworn personnel and salaried sworn personnel, will take the holiday off on the same date all other regular, general full-time personnel of the City take the holiday. Compensation for those Police personnel working on the designated holiday is time and one-half for the hours worked. For Police personnel not working on the designated holiday, compensation is eight (8) regular-time hours for each holiday. (Updated 12/29/04— effective 1-3-05)~~

2) ~~Employees not required to Work on Holidays~~

~~Each regular full-time employee, who is not required to be on duty, will be allowed to be absent from work without loss of pay on an official holiday; each regular part-time employee, who is not required to be on duty, will be allowed to be absent from work without loss of one-half pay on an official holiday.~~

4.3 Sick ~~2- Leave~~ including Leave for Injury

1) ~~Sick Leave (Updated 11-15-16)~~

- A. ~~How Earned and Accumulated~~
- B.

~~i) All eligible employees—regular full-time employees and regular part-time employees—shall be provided with paid sick leave for use if incapacitated by illness or injury, if due to contagious disease, the employee's presence at work would jeopardize the health of others, and for medical, dental, optical, or other health care appointments. Those employees will be issued monthly sick leave in the following increments:~~

- ~~Regular full-time employees will accumulate eight (8) hours monthly or ninety-six (96) hours annually. Max accumulation is nine hundred (900) hours.~~
- ~~Regular part-time employees will accumulate four (4) hours monthly or forty-eight (48) hours annually. Max accumulation is four hundred fifty (450) hours.~~

~~Each regular, full-time employee, shall be entitled to sick leave with full pay in the amount of 96 hours per year. This leave is to be accumulated at the rate of 8 hours per month. Each regular part-time employee working 20 or more hours per week shall be entitled to sick leave with full pay in the amount of 48 hours per year. This leave is to be accumulated at the rate of 4 hours per month. Sick leave for an eligible employee shall begin accruing on the day the employee enters service with the City, with any sick leave for a fraction of a month to be issued on a pro-rated basis. An employee may use any accrued sick leave during their introductory period. An employee must be employed for 1 month, after which the sick leave will begin accumulating. Sick leave shall be subject to the following rules:~~

1. ~~Sick leave may only be used for the situations identified in Section 4.3.1;~~

2. Sick leave shall not be granted in advance of accrual. Eligible employees may be authorized to use vacation leave, personal leave, compensatory time, or leave without pay (See 4.5.1 'Voluntary Leave of Absence Without Pay') when sick leave is exhausted;
3. Notification of utilization of sick leave shall be made to the Department Head, City Administrator (in case of Department Head), or Mayor (in case of City Administrator) on as timely basis as is possible or by the time their normal workday begins;
4. Approval in advance shall be obtained for non-emergency health care appointments;
5. The City may request and obtain medical certificates or otherwise verify the circumstances surrounding the utilization of sick leave, the abuse of which may be ground for disciplinary action as identified in Section 6.x;
6. The minimum period of sick leave shall be no less than a 15 minute increment;

~~4.7.~~

~~Sick leave may be used by an introductory employee during the introductory/evaluation period, but only if it has been earned. If an new-introductory employee has no accumulated sick leave and is absent due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from their allocated personal leave, his/her wages. At the exhaustion of personal leave and at the discretion of the City Administrator, -a regular employee may request and -be granted an advance of sick leave-- up to a maximum of 48 sick leave hours for regular full-time employees or up to a maximum of 3 24 sick leave hours, they may request an advance; and for regular-eligible part-time employees, they may request. If an employee has accumulated sick leave but it has been used due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from his/her wages.~~

~~2.~~

~~3.8. ii) If an eligible, new-regular employee has no accumulated exhausted accrued sick leave and is absent due to illness or for any other reason for which sick leave is allowed, or if an existing employee who has accumulated sick leave and used it due to illness or for any other reason for which sick leave is allowed, leave will be deducted in the following order: compensatory time, personal leave, and vacation leave. If all sources of leaves are exhausted, an employee may request leave from the 'catastrophic leave' employee bank or through the 'voluntary leave transfer program', a deduction shall be made from his/her wages. The new or existing employee, may however,~~

4.3.4 Unused Sick Leave at Termination of Employment

- iii) ~~The maximum accumulated sick leave for regular full-time employees will be 900 hours and the maximum sick leave for regular part-time employees will be 450 hours. Effective January 1, 2007 -- Unless an employee meets one of the conditions in the following sentence, all other sick leave credits accumulated by an employee shall not be reimbursed upon termination of the employment relationship with when the employee retires, resigns or is dismissed by the City. An employee who retires in good standing after reaching the age of 55 years or older full retirement or early retirement as defined by the Social Security Administration; or an employee who resigns in good standing with twenty (20) years of continuous service to the City; or an employee who dies while employed with in service to the City, shall be paid fifty percent (50%) of their accumulated sick leave balance.~~

~~iv)~~

- v) ~~Any employee who is laid-off from his position for reasons beyond his control who is reappointed within 12 months, will be provided any unused sick leave existing at the time of his layoff. When an employee is transferred to another position, any leave which may have accumulated to his credit shall transfer with him.~~

4.3.1 Eligible Uses of Sick Leave~~B. How It Can Be Used~~

- ~~i) An employee eligible for sick leave with pay shall be allowed to use such earned sick leave for the following reasons:~~
- ~~(a) Personal Illness: An employee ~~Employees~~ may use earned sick leave ~~benefits for personal needs or the needs of immediate family--~~ spouse, domestic partner, children, grandchildren, grandparents, parents, and others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee. ~~Employees are encouraged to schedule personal and/or family member doctor and dental appointments on non-city time. Reasons for sick leave include, but are not limited to, medical, dental, or optical examinations and care (including preventative care) for the employee or immediate family; treatment of a mental or physical illness, injury or health condition; care for an immediate family member with a mental or physical illness, injury or health condition; maternity or paternity leave; sickness that renders the employee incapable of performing his/her required job duties; or for exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by the employee's presence on duty. a personal illness or physical incapacity resulting from causes beyond the employee's control. For the benefit of all City employees, any employee who has a contagious illness will be expected to stay home. Depending on the seriousness of the injury or illness, the employee may be required to present a doctor's certificate indicating that they are capable to well before they can return to work. Department Heads will have the authority to send employees home if they feel it is necessary for the well being of all employees. Any employee who does not follow this rule shall be subject to disciplinary actions.~~~~
- ~~(b) Family Illness: An employee may be allowed sick leave to care for an eligible family member with a serious injury or illness or during a major surgery. Sick leave may be used for the following described family member(s) The use of more than 3 consecutive days of sick leave for this purpose shall require verification from the attending physician that the employee's personal care or attention is needed. In addition, the Department Head or appropriate authority may, with approval of the City Administrator, require a certificate from an attending physician, for sick leave used for this purpose that is less than 3 days, if it is deemed to be in the best interest of both the employee and the City. (Updated 11-15-16)~~
- ~~(c) An enforced quarantine of the employee in accordance with community health regulations.~~

C. Workers' Compensation

See "Workers' Compensation" under definitions.

D. Sick Leave Without Pay

An employee who needs sick leave for purposes enumerated under "2" above and who does not have any accrued sick leave credits, may request leave without pay. Such a request shall have a Department Head's approval before it is granted, and the City Administrator, appropriate authority or Chief of Police may grant such a leave if it is in the best interest of the City to do so.

~~E. Notification of Departments~~

~~All employees shall notify their Department Head of an illness which will prevent them from reporting for work before, or by the time their work shift begins. Failure to make such a report will be considered absence without leave and without pay.~~

~~F. Personal or Family Member Appointments~~

- ~~i) Personal Appointments: Leave may be granted by the Department Head or appropriate authority if a personal appointment must be scheduled during work hours. This leave will be charged to the employee's accrued leave (sick leave, vacation or compensatory time) or the time off can be made up as long as it is done during the same week.~~
- ~~ii) Family Member Appointments: If it is necessary for the employee to take any of the following described family member(s) — spouse, domestic partner, children, parents, and others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee, to a doctor or dental appointment, this leave will be charged to the employee's accrued leave (sick leave, vacation or compensatory time) or the time off can be made up as long as it is done during the same week. The Department Head or appropriate authority may, with approval of the City Administrator, require a certificate from an attending physician explaining the necessity for the employee to use leave for this purpose.~~

~~4.3.1a Maternity-Parental Leave — See Sick Leave and Family and Medical Leave — same rules apply.~~

~~The City provides maternity or paternity leave to all employees. Employees should notify their Department Head about their intention to take this leave with as much notice as is possible to ensure continuity of operations. The benefits are as follows:~~

- ~~• An employee is eligible to take up to 12 work weeks of unpaid, job-protected leave as per the Family and Medical Leave Act (See Section 4.5.2)~~
- ~~• An employee may enroll in a short-term disability policy that is offered through the City's insurance provider and paid for at the employee's expense~~
- ~~• An employee may use all previously earned leave, including sick, compensatory, personal, or vacation leave.~~
- ~~• An employee's health insurance will continue during the parental leave period; however, the employee shall be responsible to pay for their portion of the coverage. Arrangements should be made prior to the start of the leave period if any unpaid leave is utilized.~~

~~It is requested the employee maintains regular contact with their Department Head to discuss their expected return to service and their return-to-work plan.~~

~~G-4.3.2 Work-Related Injury or Illness Accident-Injury-Leave~~

~~Subject to the Statutes of Nebraska (Section 48-101), all employees of the City who suffer on-the-job accidents or injuries are covered by the Worker's Compensation Act. When on-the-job accidents occur, they must immediately be reported to the Department Head and a call should be made to the EMC nurse, if practical. An Accident Report must be completed by the employee and turned in to HR within 24 hours of incident. Employees injured on City jobs who are eligible to receive worker's compensation disability payments shall receive the worker's compensation check and the City will provide, in wages, the difference between the worker's compensation payment and the amount of the employee's earned wages during a given pay period. The difference in the worker's compensation check payment and the~~

~~employee's regular base pay shall be prorated against the employee's accumulated sick, holiday, and vacation leaves. Once these have been exhausted, the employee will only be eligible for the worker's compensation payment. All work-related accidents are covered by the Nebraska Workers Compensation Act as found in Chapter 48, Article 1, Section 48-101 of the Revised Statutes of Nebraska.~~

~~All employees must give their Department Head a written notice (at least seven calendar days, if possible) of any non-emergency treatment or surgery for any alleged work-related injuries or illnesses. This notice will ensure that City operations are able to continue as normal.~~

~~Accident leave shall be provided to allow a period of recovery from on-the-job injuries or accidents. See "Workmen's Compensation".~~

4.3.3 Voluntary Leave Transfer Program:

~~Under the voluntary leave transfer program, an employee accruing leave benefits (regular full-time or regular part-time) may voluntarily transfer personal or vacation leave to another eligible employee that has exhausted their available paid leave sources—sick, compensatory, personal, or vacation—and is absent due to a prolonged familial or medical emergency. Use of this program shall be subject to the terms and conditions established under the "Voluntary Leave Transfer Program"~~

3)4.2 Vacation Leave for Regular Full-Time Employees. (Updated 11-15-16)

~~Employees with the following classifications are considered eligible—introductory, regular full-time, and regular part-time—and will be issued annual leave based on their service time. Vacation leave for an eligible employee shall begin accruing on the day the employee enters service with the City; however, an employee may not use vacation leave until they have satisfactorily completed their introductory period (See 1.5)—at which they will have half their annual accrual. Each eligible employee shall be entitled to a vacation leave per basis of one (1) year successive periods of continuous employment, including any credit received for prior service (see 1.4). The A year, for this purpose, shall begin the day of employment from date of hire and shall constitute 365 days.~~

- ~~A. Upon completion of six months of continuous employment and completion of the initial position evaluation period, an employee will be granted forty (40) hours of vacation leave.~~

REGULAR FULL-TIME -

~~The following vacation schedule for regular full-time employees, effective October 1, 2007 is hereby adopted:~~

Revised in draft version

Annual Leave for Regular Full-Time Employees	
Years of Employment	Yearly Total
0 - 5.0	80 hours annually
6.0 - 10.0	120 hours annually
11.0 - 15.0	144 hours annually
16.0 - 20.0	160 hours annually
21.0 - 25.0	184 hours annually
26.0+	192 hours annually
Annual Leave for Regular Part-Time Employees (20+ hrs/week)	

<u>Years of Employment</u>	<u>Yearly Total</u>
<u>0 - 5.0</u>	<u>40 hours annually</u>
<u>6.0 - 10.0</u>	<u>60 hours annually</u>
<u>11.0 - 15.0</u>	<u>72 hours annually</u>
<u>16.0 - 20.0</u>	<u>80 hours annually</u>
<u>21.0 - 25.0</u>	<u>92 hours annually</u>
<u>26.0+</u>	<u>96 hours annually</u>

~~Forty (40) hours upon completion of six months and completion of position evaluation period and an additional forty (40) hours upon completion of the first full-year period for a total of eighty (80) hours. (11-15-16)~~

~~Eighty (80) hours upon completion of two through five years of employment.~~

~~Ninety six (96) hours upon completion of six years of employment.~~

~~One hundred twenty eight (128) hours upon completion of eleven years of employment.~~

~~One hundred forty four (144) hours upon completion of fifteen years of employment.~~

~~One hundred fifty two (152) hours upon completion of eighteen years of employment.~~

~~One hundred sixty (160) hours upon completion of twenty years of employment.~~

~~One hundred eighty four (184) hours upon completion of twenty five years of employment.~~

~~REGULAR PART TIME~~

~~The following vacation schedule for permanent part time employees who work 20 or more hours per week is hereby adopted.~~

~~Forty hours upon completion of the first full year period.~~

~~Forty eight hours upon completion of six (6) years of employment.~~

~~Sixty four hours upon completion of eleven (11) years of employment.~~

~~Seventy two hours upon completion of fifteen (15) years of employment.~~

~~Seventy six hours upon completion of eighteen (18) years of employment~~

~~Eighty hours upon completion of twenty (20) years of employment.~~

~~Ninety two hours upon completion of twenty five (25) years of employment.~~

~~All vacations shall be taken in a minimum of four (4) hour increments. Vacation leave by the hour will not be allowed.~~

~~Vacation leave is earned based on an employee's anniversary date (see schedule above).~~

~~Note: Per the Fair Labor Standards Act (FLSA), nNo exempt employee's salary will be subject to reduction when the exempt employee is absent for less than a day and has exhausted his-her vacation, personal and comp time leave benefit.~~

4.2.1 B. Scheduling of Vacations (Updated 11-15-16)

Employees shall submit vacation requests for approval as soon as possible at least one work week in advance of the vacation leave date. ~~holidays~~ Holidays occurring during scheduled vacation leave will be charged as shall not be charged against vacation leave, but against holiday leave. In respect for the continuity of City operations, proposed Vacation leave dates shall be ~~scheduled~~ discussed and submitted via the payroll timesheet software to gain official with the approval of from the Department Head, or the City Administrator (if the employee is a department head), or appropriate authority the Mayor (if the employee is the City Administrator). In rare instances or in extenuating circumstances, the ~~The Department Head, City Administrator or appropriate authority shall~~ may have the discretion to waive ~~this the~~ requirement of prior approval. ~~A report of absence shall be filed in the office of the City Clerk no later than the next payday for each employee approved for vacation.~~

For those employees who have accumulated at least earned twenty (20) leave days or one hundred sixty (160) hours, no more than ~~ten (10) days or eighty (80) hours,~~ shall be taken at one time, unless special permission is granted by the Department Head, ~~and~~ City Administrator (if the employee is a Department Head), or the Mayor (if the employee is the City Administrator). This requirement is to ensure the continuity of the operation of City services, ~~or by the Department Head and Board or Commission representative.~~

4.2.2C. Vacation Leave Cap

Employees are encouraged to use ~~all of~~ their earned vacation days each year. ~~On their anniversary date, employees are not eligible to earn any additional vacation once they have reached one and one-half times their annual vacation accrual limit, until they use all or a portion of their earned vacation. One and one-half times the annual vacation accrual limit is equivalent to one and one-half times the maximum number of vacation hours an employee is entitled to earn during a given vacation accrual year, based on the employee's length of service. For example, an employee with eleven (11) years of service may earn up to one hundred twenty-eight~~ forty-four (128/144) hours of vacation during the vacation accrual year (the employee's annual vacation accrual limit). Thus, this employee will not accrue any additional vacation time until the earned vacation time is used and the number of hours in the employee's "vacation bank" is reduced to below one two hundred ninety two ~~sixteen (192/216)~~ hours. Any vacation remaining at the end of the anniversary year, up to the cap, will be carried over. (In accordance with the exception of the Vacation Leave Cap - See No. 3) ~~If the employee fails to take all his or her vacation time in the year earned, those hours will be carried over to the next year, and the employee will be allowed to earn an additional one-half the annual accrual limit.~~

4.2.3 Unused Vacation Rights at Termination of Employment/Regular Full-Time Employees

Employees will not be allowed to use vacation leave, unless approved by the City Administrator, in the final two weeks prior to termination of employment relationship to ensure a successful transition of work responsibilities. Employees who have unused earned vacation leave at the conclusion of their last day of employment ~~time of termination of employment - upon resignation, termination or death -~~ with the City shall be paid for such unused earned vacation leave in their final paycheck at their current rate (base pay + longevity). ~~All employees who quit or are relieved of their duties after six months of employment will be entitled to a vacation leave pay prorated to the time worked.~~

In the event of employee death,

- ~~ii) Earned Vacation for Deceased Employees. An employee's earned and~~

~~unused vacation accumulated since his last anniversary date for each full month's employment to the date of an in-service death, to the deceased's personal representative, if such is determined, or to the next of kin shall be paid any unused vacation leave and may be subject to upon the execution by such next of kin of a surety bond protecting the City from further claims by the estate.~~

~~4) Maternity Leave — See Sick Leave and Family and Medical Leave — same rules apply.~~

~~54.4) Other Granted Paid Special Leave:~~

~~4.4.1 Administrative Leave:~~

~~In limited instances, the City Administrator may grant subordinate employees paid administrative leave, which will not require a leave request. A few of the qualifying instances are described below:~~

~~4.4.1a.i) To Serve as a Juror or Witness Court and/or Jury Duty:~~

~~To be granted administrative leave for this reason, an employee must present to the HR Director an original summons or court subpoena and at the conclusion of service, a certified statement of the Clerk of Court confirming the start and end date.~~

- ~~• (a) Special leave with pay shall be granted to an An employee who is required to serve as a juror when called for jury duty or as a witness in a federal state, county, police, or municipal court or as a litigant in a case resulting directly from the discharge of the employee's duties shall be granted leave with pay to serve in that an official capacity.~~
- ~~• An employee involved in court as an expert witness (not related to their duties as an employee because of his official capacity) or in a personal case, either as a plaintiff or as a defendant shall not be granted administrative leave with pay. However Instead, the employee's absence time off shall be deducted from their earned compensatory, personal, vacation leave. If all sources of earned leave, an employee may request a voluntary leave of absence without pay as specified in Section 4.5.1. charged to either vacation leave or leave of absence without pay.~~
- ~~• Pay received from the court for such duty shall be given to the City Treasurer. Expense reimbursement shall be kept by the employee.~~

~~4.4.1b.3.20 Due to Emergency Closing Policyure of City offices:~~

~~shall make a determination as to whether or not a cancellation of work and facility closing is necessary. When a facility is closed before the workday is scheduled to begin, both exempt and nonexempt regular full and part time employees will be paid for the entire workday or their regularly scheduled work hours. Depending on the nature of the emergency, essential employees required to work during any closing of City facilities will be paid regular time for the hours they worked. In addition, they will be allowed to place their regular hours worked in their compensatory leave bank.~~

~~Essential employees are expected to take all reasonable steps to be able to respond to emergency events. If an essential employee fails to report to work, the Mayor, City Administrator and Department Head shall jointly determine the validity of the employee's reason for fail to report to work. Should they determine the reason to be invalid, the employee may be subject to disciplinary action in accordance with the City Personnel Manual.~~

- ~~•~~
- ~~• During regular City office hours: When an emergency condition necessitates the closing of a facility after the regular workday has begun,~~

- ~~This policy establishes a procedure to determine pay allowances that will be given employees when the City closes a facility due to emergency conditions prior or subsequent to the commencement of a workday. It applies to all City activities and facilities.~~
- ~~The interpretation and administration of this policy shall be the responsibility of the Mayor and/or City Administrator. They shall have the responsibility for canceling work or closing a facility, or, if emergency conditions arise after a workday has begun, for closing a facility and permitting employees to leave work early.~~
- ~~When an emergency condition exists or arises (such as a power failure, severe weather, bomb threat, etc.) the Mayor and/or City Administrator shall may make a determination as to whether or not a cancellation of work and facility closing is necessary.~~

~~The City Administrator shall coordinate and make arrangements with Department Heads to notify their employees of facility closings due to an emergency condition.~~

~~Employees will be required to provide their Department Head with a phone number and location where they can be contacted during regular non-work hours in the event an emergency condition should necessitate the cancellation of work or facility closing before the regular workday has begun.~~

~~When an emergency condition necessitates the closing of a facility after the regular workday has begun, Employees will be required to provide their Department Head with a phone number and location where they can be contacted should the emergency condition end and work can be resumed. During the closure of City offices,~~

~~When a facility closes after the regular workday has begun, all reporting employees (employees using earned leave are excluded) will be ~~are~~ considered to be on "leave-with-pay" status ~~during the time the facility is shut down (except those on official leave).~~ Employees who report to work but leave prior to the time the facility is officially closed, or who cannot be contacted to return to work should the facility reopen, will be paid only for actual hours worked. They will be required to either make up the time absent from work, or charge such time absent from work to accrued vacation or compensatory time leave. If a non-exempt employee does not have accrued vacation or compensatory-time leave and is not able to make up that time during the same pay period, their work absence will be treated as non-paid leave.~~

- ~~Closure for more than one business day: In the event an emergency causes a City facility to be closed for two (2) or more days, or in the event of unusual circumstances, pay allowance provisions for all employees shall be determined by the Mayor and/or City Administrator. (Updated 1-19-11)~~

~~2)4.4.1c Military Leave:~~

~~All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, shall be entitled to a City-paid military leave of absence for not more than from their respective duties, without loss of pay, when employed with or without pay under the orders or authorization of competent authority in the active service of the state or of the United States. Members 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 twenty~~

~~(120) hours each calendar year. An employee shall be entitled to retain both their military pay and the City's military paid leave of absence. If an employee's military service extends past the City's allotted one-hundred twenty (120) hours for a calendar year, the employee may utilize any earned compensatory, personal, or vacation leave and/or will be allowed a leave of absence without pay for the duration of their service. Members 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 persons named in this section. 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. If called to respond to a state of emergency declared by the Governor, During an employee will not be eligible for a military leave with pay, but instead, they 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/their normal salary or compensation minus the state active duty base pay he or she/they receives in active service of the state. When an employee is called into active duty for an extended period of time, the City shall follow the Uniformed Services Employment and Reemployment Act (USERRA).~~

~~A. Active Service and Induction Examinations~~

~~Returning service members will be reemployed in the job that they would have attained had they not been absent for military service (the long-standing "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Reasonable efforts (such as training or retraining) will be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. Alternative reemployment positions will be offered if the service member cannot qualify for the "escalator" position. While an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.~~

~~In general, if the employee has been absent by reason of service in the uniformed services, he or she will be eligible for reemployment under USERRA by meeting the following criteria:~~

- ~~i) The City had advance notice of the employee's service;~~
- ~~ii) The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with the City;~~
- ~~iii) The employee timely returns to work or applies for reemployment; and~~
- ~~iv) The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.~~

~~Upon completing service in the uniformed services, the employee must notify the City of his or her intent to return to the employment position by either reporting to work or submitting a timely application for reemployment. Whether the employee is required to report to work or submit a timely application for reemployment depends upon the length of service, as follows:~~

~~(a) Period of service less than 31 days or for a period of any length for the purpose of a fitness examination. If the period of service in the uniformed services was less than 31 days, or the employee was absent from a position of employment for a period of any length for the purpose of an examination to determine his or her fitness to perform service, the employee must report back to the City later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service, and the expiration of eight hours after a period allowing for safe transportation from the place of that service to the employee's residence. For example, if the employee completes a period of service and travel home, arriving at ten o'clock in the evening, he or she cannot be required to report to the City until the beginning of the next full regularly scheduled work period that begins at least eight hours after arriving home, i.e., no earlier than six o'clock the next morning. If it is impossible or unreasonable for the employee to report within such time period through no fault of his or her own, he or she must submit the application not later than the next full calendar day after the expiration of the eight-hour period.~~

~~(b) Period of service more than 30 days but less than 181 days. If the employee's period of service in the uniformed services was for more than 30 days but less than 181 days, he or she must submit an application for reemployment (written or verbal) with the City not later than 14 days after completing service. If it is impossible or unreasonable for the employee to apply within 14 days through no fault of his or her own, he or she must submit the application not later than the next full calendar day after it becomes possible to do so.~~

~~(c) Period service more than 180 days. If the employee's period of service in the uniformed services was for more than 180 days, he or she must submit an application for reemployment (written or verbal) not later than 90 days after completing service.~~

~~If the employee's most recent period of service in the uniformed services was more than 30 days, he or she must not be discharged except for cause-~~

~~(a) For 180 days after the employee's date of reemployment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or,~~

~~(b) For one year after the date of reemployment if the employee's most recent period of uniformed service was more than 180 days.~~

4.4.1d Related to Work Operations:

An employee may be granted administrative leave with pay for the following circumstances:

- To compete for positions of employment within the City's hiring process;
- To present grievances or appeals to City officials; or
- In the event of the death of a current City employee, to allow for coworkers to attend the funeral.

~~(c)~~

~~ii) 4.4.2 Funeral Leave:~~

~~A. Due to Immediate Family Member Death: In the event of death of an employee's father, mother, spouse, child (included step or adopted), daughter-in-law, son-in-law, mother-in-law, father-in-law, sister, brother, sister-in-law, brother-in-law, grandparents, grandchildren, or legal dependent, the employee may be allowed leave with pay for reasonable and necessary absence for arrangement and attendance to said funeral. Employee should define their relationship and location of the service on their submitted~~

~~request to ensure the proper leave is issued—if these details are excluded, the request for leave may be denied. Leave with pay will be allowed up to the following maximums, and will not be deducted from funeral leave as described in Subsection 4.4.2B: twenty-four (24) hours per person and per event for a regular full-time employee and twelve (12) hours for a regular part-time employee. An employee may be allowed special leave of up to twenty-four (24) hours for the death of any of the following described members of their family—spouse, domestic partner, children, parent, sister, brother, grandparent, grandchild, others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee. If more than the maximum time is requested and approved, it will be deducted from an employee's earned compensatory, personal, or vacation leave. twenty four (24) hours are needed, they will be charged to earned leave. (Updated 11-15-16)~~

~~A.B. To Attend a Funeral:~~

~~For the time to of travel and to attend a funeral in Seward, special-leave with pay shall may be granted of at a minimum of one (1) and a maximum of to four (4) hours. For a funeral outside of Seward, a minimum of one (1) and a maximum of to eight (8) hours special-leave with pay shall may be granted. The maximum special-leave with pay allotted to an employee to be used per calendar year is twenty-four (24) hours for regular full-time employees and twelve (12) hours for regular part-time employees. If an employee has expended their allotment for the year, the employee may request use of leave to be deducted from earned compensatory, personal, or vacation leave., unless special permission is given by the Department Head and City Administrator. (Updated 1-29-09)~~

~~6)4.5 Instances of Approved Unpaid Leave Voluntary Leave of Absence Without Pay (Updated 1/3/96)~~

~~The following instances will allow an employee to maintain employment with the City of Seward while on unpaid leave. Unpaid leave will only be allowed if previously approved by the City Administrator in writing.~~

~~4.5.1 Voluntary Leave of Absence Without Pay~~

~~A. In limited instances, and only when all sources of leave—compensatory, personal, vacation, or sick leave—or when an employee is not eligible for the Family and Medical Leave Act (FMLA), a request for a voluntary leave of absence without pay will be considered. shall be granted a leave of absence without pay if such leave will serve the interest of the City. —All requests for unpaid leave must be made in writing and submitted to the Human Resources Director with as much advanced notice as is possible. The written request must describe the reason for the leave, the date on which leave would begin and the date on which the employee expects to return to active employment. Any employee who is granted such a leave shall be limited to a maximum annual leave in accordance with his/hettheir length of service as follows:~~

~~LENGTH OF SERVICE:~~

~~Maximum Annual Leave~~

~~0 - 4.99 years - none allowed~~

~~Under 5 years ————— 2 Weeks~~

~~5.0+—10 years - 1 Month 160 hours~~

~~10—15 years ————— 2 Months~~

~~15 years and over ————— 3 Months~~

~~Fringe benefits (including such as Insurance, Sick, personal, Leave and Vacation leaves), awarded-issued to employees by the City shall be reduced proportionately during the leave of absence; however, the employee will still accrue service time in~~

~~this employment status. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment. Failure to report at the expiration of the leave of absence shall be considered a resignation of position. For example, in the case of paid insurance benefits, the employee shall be required to pay that part of the premium reflecting the amount of leave without pay taken. This leave can only be used when all other leave, i.e. Vacation and/or Sick leave has been exhausted.~~

~~B. Requests for leave of absence without pay shall be in writing to include a complete justification for the leave. Such requests must be approved by both the Department Head and City Administrator or appropriate authority for other than Police Department Personnel. The Chief of Police shall make the necessary approval for his personnel, and advise the Civil Service Commission accordingly.~~

7) Termination Leave

See "Vacation Leave – Vacation Rights at Termination of Employment"

8) 4.5.2 Family and Medical Leave (FMLA)

~~The City of Seward complies with the Family and Medical Leave Act (FMLA) as a covered employer became effective on August 5, 1993 and will grant entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. To be eligible for FMLA benefits, an employee must:~~

- ~~• Have worked for the City for a total of 12 months (can be non-consecutively); and~~
- ~~• Have worked for the City at least 1,250 hours over the previous twelve (12) months preceding the date the leave would commence. All periods of absence from work due to service in the uniformed services are counted towards this eligibility.~~

~~B. To qualify as FMLA leave under this policy, the leave must be he City will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons.~~

- ~~- The birth and care of a newborn child or for placement with the employee of a son or daughter for adoption or foster care; of the employee;~~
- ~~- To care for a spouse, son, daughter child, or parent with who has a serious health condition;~~
- ~~- For a serious health condition that makes to take medical leave when the employee is unable to perform the essential functions of their job; work because of a serious health condition; or~~
- ~~- For qualifying exigency arising out of the fact that a the employee's spouse, child, son, daughter, or parent is a military member on covered active duty or on call to covered active duty status;~~
- ~~- To care for a covered service member—spouse, child, next of kin, or parent—with a serious injury or illness. as a member of the National Guard or Reserves in support of a contingency operation. See FMLA (Military Family Leave) policy.~~

~~Amendments to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, expanded the FMLA to allow eligible employees to take up to 12 weeks~~

Commented [DB2]: This section will be significantly shortened, they can read all guidelines online.

~~of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a "single 12-month period" to care for a covered servicemember with a serious injury or illness.~~

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA), or a written agreement, including a collective bargaining agreement, exists concerning the City's intention to rehire the employee after the break in service.

~~The City will also grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the servicemember.~~

B. Amount of Leave

~~An eligible employee can take up to 12 workweeks of FMLA leave during any 12-month period or up to 26 weeks for the FMLA military caregiver leave. The leave will roll backward to the date the leave was requested. Employees may request to take this time consecutively or intermittently—in all cases, the leave cannot exceed 12 workweeks or 26 workweeks for military caregiver leave. Eligible spouses who are both employed by the City may take only a combined total of 12 workweeks of leave for are limited in the amount of family leave they may take for the birth and care of a newborn child, for adoption or placement of a child in foster care, or to care for a parent (but not a parent 'in-law') who has a serious health condition:--to a combined total of 12 weeks (or 26 weeks if leave to care for an injured or ill covered servicemember with a serious injury or illnesses is also used). Leave for birth and care, or placement for adoption or foster care, must conclude with 12 months of the birth or placement.~~

C. Intermittent Leave or a Reduced Work Schedule

Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee's usual weekly or daily work schedule. Any changes to an employee's normal schedule must first be approved by the Department Head and City Administrator in writing before incorporation. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the City's approval.

~~Under certain conditions, employee or the City may choose to "substitute" (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employer's ability to substitute accrued paid leave is determined by the terms and conditions of the City's normal leave policy.~~

~~"Serious health conditions" means an illness, injury, impairment, or physical or mental condition that involves either:~~

~~C. Inpatient care (i.e., an overnight stay) 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~~

~~D. Continuing treatment by a health care provider, which includes:~~

- ~~i) 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:
 - ~~— 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~~
 - ~~— 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); or~~~~
- ~~ii) 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~~
- ~~iii) 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~~
- ~~iv) 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~~
- ~~v) 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.~~

Commented [DB3]: Not included in sample SHRM policy

D. Employee Notice Requirement

~~All eligible employees requesting Employees seeking to use FMLA leave are required to must provide verbal or written notice of the need for leave to the Human Resources Director. When the need for leave is foreseeable, employees are asked to provide 30-days advance notice to take FMLA leave and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the City's usual and customary notice and procedural requirements for requesting leave.~~

~~Employees must should provide sufficient information for City Administration to an employee reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.~~

~~When the employee seeks leave for an FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to an FMLA-qualifying reason for which the City has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.~~

~~Within five (5) business days after the employee has provided this notice, the Human Resources Director will complete and provide the employee with a FMLA Designation Notice, Notice of Eligibility and Rights, and may request a medical certification or other supporting documentation as necessary.~~

~~When an employee requests FMLA leave or the City acquires knowledge that leave may be for an FMLA purpose, the City will notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under the FMLA. When the City has enough information to determine that leave is being taken for an FMLA-qualifying reason, the City must notify the employee that the leave is designated and will be counted as FMLA leave.~~

E. Employee Status and Benefits During FMLA Leave

~~C. An eligible employee on unpaid leave will still be considered a City employee and will still continue to accrue their service time. The City will continue an employee's maintain group health insurance coverage for an employee on during the FMLA leave period at the same level whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to was continuously at work. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment, for employees to pay their share of health insurance premiums while on leave.~~ In some instances, the City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

F. Employee Return to Work after FMLA Leave

~~D. The City requires employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the City may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.~~

Upon return from FMLA leave, an employee ~~must will~~ be restored to their current position ~~employee's original job~~, or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave ~~cannot will~~ not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, ~~nor be counted against the employee under a "no-fault" attendance policy. If a payment is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.~~

An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

~~E.~~

~~F. The City may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. The City may require second or third medical opinions (at the City's expense) and periodic recertification of a serious health condition. The City may use a health care provider, a human resource~~

~~professional, a leave administrator, or a management official — but no the employee's direct supervisor — to authenticate or clarify a medical certification of a serious health condition.~~

~~§(1) FMLA (military Family Leave):~~

~~The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a "single 12-month period" to care for a covered servicemember with a serious injury or illness. These two new types of FMLA leave are known as the military family leave entitlements.~~

~~A. — To be eligible for Military Family Leave benefits, an employee **must:** —~~

- ~~— have worked for the City for a total of 12 months; and~~
- ~~— have worked at least 1,250 hours over the previous 12 months~~

~~B. — Military Caregiver Leave. The City will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employee for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period" (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.)~~

~~C. — Qualifying Exigency Leave. The City will grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the City for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves;; it does not extend to family members of military members in the Regular Armed Forces.~~

~~— Qualifying exigencies include:~~

- ~~— Issues arising from a covered military member's short notice deployment (i.e., deployment of seven or less days of notice) for a period of seven days from the date of notification;~~
- ~~— Military events and related activities, such as official ceremonies, programs,~~

or events sponsored by the military or family support or assistance programs and information briefings sponsored or promoted by the military, military service organization, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

- ~~Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;~~
- ~~Making or updating financial and legal arrangements to address a covered military member's absence;~~
- ~~Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;~~
- ~~Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;~~
- ~~Attending to a certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and~~
- ~~Any other event that the employee and the City agree is a qualifying exigency.~~

Spouses employed by the City are limited to a combined total of 26 workweeks in a "single 12-month period" if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever **medically necessary** to care for a covered servicemember with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Under certain conditions, employees of the City may choose to "substitute" (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the City's normal leave policy.

- D. — Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but 30 days

~~advance notice is not practicable, the employee must provide notice as soon as practical be —generally, either the same or next business day.—An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case.—Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the City’s usual and customary notice requirements.~~

~~An employee does not need to specifically assert his or her rights under FMLA, or even mention FMLA, when providing notice.—The employee must provide “sufficient information” to make the City aware of the need for FMLA leave and the anticipated timing and duration of the leave.— Depending on the situation, such information may include as applicable:~~

- ~~_____ that the requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered military member and the anticipated duration of the leave;~~
- ~~_____ that the leave is for a qualifying family member who is a covered servicemember with a serious injury or illness and the anticipated duration of the leave.~~

~~When an employee seeks leave due to a FMLA qualifying reason for which the City has previously provided the employee FMLA protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.~~

- ~~E. _____ When an employee requests FMLA leave or the City acquires knowledge that leave may be for an FMLA purpose, the City will notify the employee of his or her eligibility to take leave, including a reason for non-eligibility if the employee is determined not to be eligible. Such eligibility notice may be oral or written and should, generally, be given within five business days of the request for FMLA leave.— Subsequent eligibility notice in the same 12-month leave period may be required when an employee’s eligibility status changes.—The City will inform employees of their right and responsibilities under FMLA, including giving specific written information on what is required of the employee.~~

~~When the City has enough information to determine that leave is being taken for an FMLA qualifying reason, the City will notify the employee that the leave is designated and will be counted as FMLA leave.—The City will designate leave that qualifies as both leave to care for a covered servicemember with a serious injury or illness and leave to care for a qualifying family member with a serious health condition as leave to care for a covered servicemember in the first instance.—The designation notice must be in writing and, generally, must be given within five business days of the determination.—The City will notify the employee of the number of hours, days, or weeks that will be counted against the employee’s FMLA entitlement.~~

- ~~F. _____ The City will require that employee’s request for military family leave be supported by appropriate certification.—The City will require that:~~
- ~~_____ leave for a qualifying exigency be supported by a copy of the covered military member’s active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;~~

~~leave to care for a covered servicemember with a serious injury or illness be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember's family.~~

~~Second and third opinions and recertification are not permitted for certification of a covered servicemember's serious injury or illness or of a qualifying exigency. The City may use a health care provider, a human resource professional, a leave administrator, or a management official — but not the employee's direct supervisor — to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, the City may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.~~

~~4.3 Worker's Compensation Act (Updated 11/01)~~

4.6 Employee Benefits

~~The City offers a total compensation plan consisting not only of hourly or salaried pay, but also of substantial employee benefits. The HR Director shall make information available concerning current benefits. Some benefits may be provided only at an employee's expense or eligible to certain employee classifications. Participation in the insurance programs shall be voluntary. The current program will outline any waiting period or pre-existing condition stipulations.~~

Only regular full-time employees are eligible for the benefits contained in this section.

~~4.6.14 Hospital and Medical Insurance Programs~~

- ~~1) Employees: Subject to the City's fiscal condition, health, dental and life insurance coverage for All regular full-time employees shall be offered an opportunity to enroll in health insurance on the first day of employ, which will then take effect in the subsequent month, provided in accordance with the results of the Comparability study. (Updated 10/01)~~

~~2) Dependents of regular full-time employees shall be provided health insurance at the employee's request. The percentages that the City pays and the employee pays will be established during the budget process and employees will be notified of any changes on a yearly basis. Payroll deductions will be made for the employee portion of the premium. (Updated 3/2/99)~~

~~4.6.23) The City shall incur the full cost to insure dental insurance for employees.~~

~~Dependent dental insurance coverage may be purchased through payroll deduction as specified by the employee's enrollment, by the regular full-time employees.~~

4.6.3 Vision Insurance

~~An employee shall incur full costs for coverage of themselves and their dependents for vision insurance. Enrollment for employee or dependent coverage will result in a payroll deduction.~~

~~4) (Updated 3/2/99)~~

4.6.4 Life Insurance

~~The City will offer to pay the costs to insure each eligible employee up to \$25,000. An employee may choose to purchase further coverage for themselves or their family at an~~

~~additional cost paid solely by the employee. Enrollment for additional coverage will result in a payroll deduction.~~

~~4.6.5 Retirement Systems (Updated 3/2/99)~~

The City agrees to pay an adopted percentage based upon results of ~~the a comparability study of the regular full-time employee's monthly base pay up to the Social Security Taxable Wage Base, plus 6% in excess of the Social Security Taxable Wage Base.~~ Employees will be advised of the percentage and are to ~~have pay~~ the same ~~percentage deducted from their payroll to be paid~~ rate of their monthly salary into a retirement fund as per contract with the City's Retirement Plan Company. Overtime will not ~~apply be included in figuring the percentage to the retirement plan~~ for regular full-time employees, but will ~~be included in figuring the percentage for apply to the~~ Police Officers ~~retirement plan.~~ ~~Any full-time employees is~~ are allowed to make additional contributions to their own retirement plan ~~or the City of Seward 457 Deferred Comp Plan,~~ in accordance with the Retirement Plan provisions.

~~Police Pension Retirement for Police Officers will be governed by the City of Seward Police Pension Plan Document, which~~ will be in accordance with Ordinance Number 913.

~~4.6 Social Security Benefits~~

~~Social Security is administered by the federal government and is supported by joint contributions from the City and the employees. Contributions are based on a percentage of the employee's salary. The employees contributions are made by payroll deduction. Employees shall be eligible for retirement benefits under Social Security as applicable and consistent with law.~~

~~2.2a4.7 Rest-Break Periods (Updated 3/2/99)~~

A fifteen-minute ~~rest period~~ break will be allowed to employees of the City during each one-half day of work (~~typically four (4) hours~~) ~~shall constitute the minimum for one-half day~~ for relaxation from the regular routine of duty. ~~All rest periods will be held at the job site, respective City shop facility or location which benefits the work schedule of the Department itself as determined by the Department Head. Department Heads have the ability, on a case by case basis, to amend these requirements from time to time with approval of the City Administrator or appropriate authority.~~

With the exception of the Police and Library personnel, ~~an employee scheduled for an eight-hour shift all full-time employees~~ will be allowed one meal period each workday. The meal period will be ~~at least thirty (30) minutes but no longer than one-half to one (1) hour~~ in length and will be scheduled to accommodate operating requirements of the Department. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Department Heads have the ability, on a ~~case case-by-by~~ case basis, to amend these requirements from time to time with approval of the City Administrator ~~or appropriate authority.~~ Police and Library personnel are not relieved of all active responsibilities and restrictions and consequently may be compensated for meal time.

The City shall provide 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; and 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 the employee to express breast milk. If possible, such break time should be taken ~~during concurrently to the rest breaks~~ times already provided to the employee. ~~Department Heads have the ability, on~~

~~a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator. Any additional breaks taken to express milk will be unpaid.~~

~~4.85.4 Employee Awards program-Program (Revised 10/21/08)~~

~~Within the limitations of its financial position~~At the discretion of the Mayor, the City of Seward may provide one recognition dinner each year for the elected body and ~~appointed officials, employees of all classifications, or volunteers.~~ The maximum cost for such dinner shall be established in the budget process and compliant to any Nebraska statutory limitations. ~~Employees shall be recognized for the following service milestones with presentation of a certificate and a gift of appreciation in the following amounts:~~

~~The following policy for awards for employees of the City of Seward for years is service is hereby adopted.~~

10 Yrs. of Service - Presentation of Certificate	\$ 1550.00 Gift
15 Yrs. of Service - Presentation of Certificate	\$ 3075.00 Gift
20 Yrs. of Service - Presentation of Certificate	\$ 80100.00 Gift
25 Yrs. of Service - Presentation of Certificate	\$ 110125.00 Gift
30 Yrs. of Service - Presentation of Certificate	\$ 140150.00 Gift
35 Yrs. of Service - Presentation of Certificate	\$ 170175.00 Gift
40 Yrs. of Service - Presentation of Certificate	\$200.00 Gift
45 Yrs. Of Service - Presentation of Certificate	\$ 230225.00 Gift
50 Yrs. Of Service - Presentation of Certificate	\$ 260250.00 Gift

SECTION 5: EMPLOYEE DEVELOPMENT

5.1 Employee Orientation

Employees within the regular full-time or regular part-time classification will serve in an introductory period for the first six (6) calendar months of employees (See Section 1.5 'Introductory/Evaluation Period'). The purpose of this is to permit the department head to closely observe and evaluate the capabilities and willingness of the new employee. During this time, the City shall encourage and assist the new employee in making a successful adjustment to working for the City.

The Human Resources Director shall be responsible for orientation related to any salary or wage information as well as the employee personnel handbook. Each Department department Head-head shall be responsible for facilitating the adjustment of an employee to his-their work situation by:

- ~~1)1) —~~Preparing their workspace to adequately allow for execution of duties;
- ~~2)Providing him/her a clear performance clear statement of expectations and objectives so the new hire understands what is expected their duties and official relationships their responsibilities;~~
- ~~3) Discussion of the performance evaluation system and how they will be measured after their introductory period;~~

Commented [DB4]: Adjusted to give similar increments and a more normal value.

Commented [DB5R4]: (3) The expenditure of public funds for plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers, including persons serving on local government boards or commissions. Before making any such expenditure, the governing body shall, by official action after a public hearing, establish a uniform policy which sets a dollar limit on the value of any plaque, certificate of achievement, or item of value to be awarded. Such policy, following its initial adoption, shall not be amended or altered more than once in any twelve-month period.

State Statute: 13-2203

~~2) — Introducing him/her properly to members of their department or any other individuals these with whom they will be working with regularly;~~

~~3) — Instructing Instruction and guiding guidance him/her in learning to perform his/hertheir job functions; and~~

~~4) — Frequent discussionDiscussing with him/her at frequent intervals regarding the progress in learning and performing the work; and, Discussion of any goals, objectives, or certifications/licenses to achieve in their first performance evaluation period.~~

~~5) — Providing him/her a clear statement of fringe benefits available.~~

5.2 Employee Development

~~The City Administrator and Human Resources Director, in coordination with department heads shall establish appropriate programs to develop the capacity of employees to render more effective service to the City. Such programs may include formal courses, seminars, workshops, demonstrations, directed readings, special assignments and other activities designed to improve employee knowledge, skill and job effectiveness with due consideration for the personal career objectives of employees and the enhancement of equal employment opportunity. Employee development activities shall be conducted during regular working hours to the extent possible.~~

5.2.1 Travel, Training, Conferences and Education and Expense for Meetings. (Updated 12/2012)

~~Approval:—~~The City encourages the development of job skills by allowing participation in available conferences, training sessions, and applicable business meetings programs whenever possible and economically feasible. Attendance of City employees at such meetings should be identified prior to establishment of the annual budget.

- ~~• Approval and Arrangements:~~ Prior approval shall be required from the Mayor, City Administrator or department head appropriate authority for attendance ~~and overnight accommodations~~ by the Elected elected body or Officials, Appointed Officials and City employees at available conferences, training sessions and business meetings.

~~Employees shall make appropriate advance arrangements for transportation, hotel accommodations and activity attendance—the City will fund or reimburse an employee for such arrangements as are needed. The least expensive practical mode of transportation shall be authorized. If the event is not held in a hotel and would require an overnight stay, attendee shall utilize the U.S.General Services Administration to determine the maximum allowable lodging expenditure.~~

- ~~• Authorized Expenditures:~~ The following expenditures will be authorized at the discretion of the Mayor, City Administrator or department head in regards to previously approved attendance at an employee development opportunity. Please note, that no No request for reimbursement will be made-issued for any expenses incurred without a valid receipt approved by the Mayor, City Administrator or appropriate authority department head.

~~Registrations:~~ The City shall pay the registration costs, tuition costs, or fees for an employee to attend required/approved conferences, training sessions and business meetings. All registrations must be made in a timely manner in order to receive any discounts in the fees. Anyone who registers for an employee development event meeting and/or meal will be required to be in attendance ~~at the meeting/meal. If, for some reason an employee is not in -theyattendance with no unavoidable reason provided, the City they are not, they will be required to-a reimbursement of any associated fees. Non-attendance with -the City for the expenses, unless there was an unavoidable reason provided will be reviewed and that prohibited them from attending and that reason has been approved by-at~~

the discretion of the Mayor or City Administrator.

Travel & Mileage: ~~When automobile transportation is appropriate to attend an engagement out of the area without an overnight stay, use of a City-owned vehicle is the preferred mode when available. If a City-owned vehicle is not available, or if the City Administrator authorizes the use of a personal vehicle, the employee shall be paid mileage at the established U.S. General Services Administration (GSA) rate per mile, the prevailing standard rate established by the state legislature and/or transportation services bureau of the State Department of Administrative Services. Odometer readings will be necessary shall accompany any for mileage reimbursement requests. Employees may also submit a reimbursement request for any parking or This rate includes all travel and storage expenses while on this travel. (parking fees) of the vehicle. (Updated 11-15-16)~~

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited ~~while using a City vehicle during travel to and from the authorized event. (Added 12/2012)~~

Out-Of-State Travel.

~~Attendance of employee development functions within the state of Nebraska is always the preferred option. Should no equivalent function exist locally, a request for approval of out-of-state travel may be considered and approved at the discretion of the Mayor or City Administrator. Such request shall include a copy of any conference brochure, an itemization of anticipated costs, a statement of the purpose of attendance in terms of what the participant hopes to accomplish and how the City will benefit, and a proof that a comparable activity is unavailable in Nebraska or impractical to attend. If air travel is proven to be the more economical option based on time and cost considerations, the employee shall book and will be eligible for reimbursement only for travel in the economy class. Upon completion of the travel, the participant may be requested to prepare a report for the City Administrator assessing the value of the activity and how it may benefit City operations.~~

~~Lodging:~~ The City will pay for lodging for approved training, conference or meetings outside the City.

Meal & Incidental Reimbursements: Meals will be reimbursed up to the maximum rates per meal established by the U.S. General Services Administration (GSA) for the approved employee development or business travel event. This practice shall apply to both in- and out-of-state travel. Attendee shall reference gsa.gov and event location to determine the maximum amount to be reimbursed for meals and incidentals. An employee must include or verify the following items for consideration of a meal/incidental reimbursement request:

1. The expenditures must have been incurred while the employee was performing services as an employee and must be business-related.
2. An employee must include the following information with a reimbursement request: date, time, place, amount, and business purpose of the expense.
3. An employee must submit a reimbursement request within five (5) business days from return of travel event for consideration of repayment. Reimbursement requests submitted after this time period may be approved at the discretion of the department head and/or City Administrator.

For ease of City accounting, it is requested the employee use a personal form of payment and submit a request for reimbursement.

- ~~4. training/travel according to the State of Nebraska per diem meal cost allowance guidelines which are as follows:~~

~~In-State:~~

Departure	Meal	Allowance
Before 6:30 a.m.	Breakfast	Up to \$ 7.00
After 6:30 a.m. thru 1:00 p.m.	Lunch	Up to \$ 7.00
After 1:00 p.m. thru 8:00 p.m.	Dinner	Up to \$23.00

The total per diem meal cost allowance for overnight in-state travel for an employee who leaves before 6:30 a.m. will be \$37.00. The total per diem meal cost allowance for overnight in-state travel for an employee who leaves after 6:30 a.m. will be \$30.00.

Out-of State:

Departure	Meal	Allowance
Before 6:30 a.m.	Breakfast	Up to \$ 9.00
After 6:30 a.m. thru 1:00 p.m.	Lunch	Up to \$ 8.00
After 1:00 p.m. thru 8:00 p.m.	Dinner	Up to \$31.00

The total per diem meal cost allowance for overnight out-of-state travel for an employee who leaves before 6:30 a.m. will be \$48.00. The total per diem meal cost allowance for overnight out-of-state travel for an employee who leaves after 6:30 a.m. will be \$39.00.

Per diem meal allowance guidelines will be reviewed periodically and adjusted as necessary.

- Hours of Attendance:** Any hours of attendance or travel time at employee development event training sessions, conferences or meetings over the regularly scheduled work hours as prescribed for that employee, shall be flexed taken as time off during the same time period whenever feasible. If the Department department Head-head determines that time-off is not feasible, non-exempt full-time employees will be allowed to count accrue these hours as compensatory time or receive overtime pay. If time off is not feasible for part-time employees, they will be receive regular pay as they are not eligible for the compensatory time benefit. Time utilized for social hours, non-business meals, or personal business Lunch and dinner hours and personal business are not to be included in hours of attendance.

5.2.2 College Credit Reimbursement Policy

The City shall provide financial assistance on a reimbursement basis to a full-time employee or permanent part-time employee working 20 hours or more, for pre-approved job-related college credit courses. An employee must submit a written request to the Department Head City Administrator at the start of each quarter/semester, which specifically explains how the course directly relates to their position and will enhance their job skills/abilities. The Department Head shall in turn forward the request with their recommendation for approval/denial to the Mayor, City Administrator or appropriate authority for final decision. To In order to receive financial assistance, the employee must provide City Hall with proof of successful completion of the course along with documentation (billing statements/receipts) of course tuition, books and or laboratory fees. The employee will be reimbursed for up to fifty percent (50%) of all eligible costs at the determination of the City Administrator.

5.3 Employee Evaluations

The work performance of each regular full-time or regular part-time employee, who has completed their introductory/evaluation period, shall be evaluated on a semi-annual basis, for periods ending September 30th and March 31st. The primary reason for performance evaluations is to identify employee strengths in order to reinforce good habits and identify and develop plans for improvement in deficient aspects. This review also serves to make employees aware of and to document how their job performance compares to the goals and

responsibilities of their position. A supervisor shall informally provide day-to-day feedback and counseling outside of the employee evaluation to ensure that expectations are being met to encourage a successful evaluation rating. The City strives in assisting employees in the development and progression of professional abilities to achieve personal, as well as work-related goals; therefore, any goals identified for the coming evaluation period should be formulated with employee development in consideration.

A formal evaluation, on the prescribed form(s), shall be made by the department head or the employee's immediate supervisor. The evaluation shall become official when reviewed and approved, with any necessary modifications, by the City Administrator. Employees shall be shown copies of their performance evaluations for discussion and for acknowledgment by signature. Employee evaluations shall be kept with the employee file when completed. Employees disagreeing with their evaluations may seek adjustments through use of the appeals procedure, as specified in **Section 7.2**.

5.3.1 Performance Evaluation Process

In preparation for an upcoming evaluation period, the following steps should be undertaken to ensure fair and effective evaluations:

1. Prior to the start of the next evaluation period, an immediate supervisor or department head should consult with an employee to establish realistic, specific, and measurable goals which will further employee development and enhance departmental operations.
2. Proposed goals shall be reviewed and approved by the department head, signed by the employee, and forwarded to the City Administrator for review prior to the April 1st or October 1st start of the evaluation period.
3. Supervisor shall provide informal day-to-day consultations about an employee's progress versus stated goals or expectations. Supervisor shall note any observed behaviors, significant incidents, accomplishments, negative performance or disciplinary actions within the six-month evaluation period.
4. Near the conclusion of the current evaluation, immediate supervisor or department head shall take into account observed behaviors and performance and consider evaluation ratings. The supervisor shall schedule a private and uninterrupted meeting with the employee after ratings have been completed.
5. The employee shall be provided a copy of the evaluation prior to the evaluation meeting.
6. The evaluation meeting shall include the following elements:
 - a. A setting where the employee is able to express themselves freely.
 - b. Reinforcement of positive behaviors and discussion of shortcomings.
 - c. Identification of any underlying personal or work-related problems the employee is experiencing which may negatively affect performance.
 - d. Planning of realistic, specific, and measurable goals for the subsequent evaluation period based on evaluation of current progress.
7. Following the evaluation meeting, the employee, department head, and City Administrator will review and sign the document which will become part of the employee's permanent record.

5.3.2 Effects from Performance Evaluation Rating

As specified in **Section 3.4 'Annual Performance Pay'**, an employee must maintain at least a 'Meets Expectations' average cumulative rating for both semi-annual evaluations to be eligible to move to the subsequent step. Step advancement, and new rate of pay, will be effective each April 1st. An employee that achieves below a 'Meets Expectations' average cumulative rating for both semi-annual evaluation periods shall not be eligible for step advancement, may be subject to a probationary period of

~~performance review as specified by the City Administrator, or may face disciplinary action up to and including termination of employment.~~

~~SECTION 6: EMPLOYEE DISCIPLINARY ACTION AND SEPARATION FROM EMPLOYMENT~~

~~6.1 Corrective and Disciplinary Actions Policy~~

~~Employees of the City are public servants and as such, are accountable to the residents of the community which employs them. Therefore, the City of Seward expects expected to act in a mature and professional manner while performing services for the City. It should be noted that an employee working for the City is viewed in a public light; therefore, off-duty conduct should also positively espouse the qualities all of its employees to conduct themselves, both on and off duty, in a manner that brings credit to the City. The following section sets forth general guidelines regarding unacceptable conduct in the workplace. However, your employment with the City does not create a contractual relationship, and as an 'at-will' employer the City may terminate an employee's employment regardless of whether unacceptable conduct was engaged or not. Disciplinary procedures for sworn Police Officers~~

~~The discipline policy is intended to make sure that when an employee in any Department violates a City rule or policy, the resulting disciplinary action will be the same as would occur for an employee in any other department for a similar violation. (Police Department employees shall be governed by the procedures established included in by the Civil Service Rules & Regulations in accordance with State Law and adopted by City Council).~~

~~It shall be the responsibility of all supervisors to reasonably and impartially supervise, and when necessary, recommend disciplinary procedures upon the personnel assigned to them. A recommendation for disciplinary action shall be lodged with the Human Resources Director, who will then review with the City Administrator to determine the appropriate response to the infraction(s) raised. Depending on the severity of the infraction(s), an employee may be subject to discipline up to and including termination. The following forms of disciplinary action may be considered at the discretion of the City Administrator in coordination with the Human Resources Director: oral reprimand; written reprimand; suspension, with or without pay or demotion to a lower classification; formal notice of unsatisfactory job performance requiring a six-month evaluation period of fitness to continue service; or immediate dismissal from City service. All supervisors shall exercise good judgment and discretion in taking or recommending disciplinary action and shall consult with the City Administrator, or appropriate authority, to insure that any disciplinary action taken is consistent throughout the City employment.~~

~~This policy does not remove a Supervisor's power of discretion. Each Supervisor is expected to provide the training and constructive criticism needed for employees to attain a consistently high standard of performance. When a Supervisor determines that an employee has crossed a threshold making disciplinary action, as a corrective step, necessary, the policy provides a uniform framework for that action. (Note: when a serious violation has occurred, the policy protects the Supervisor against the charge of excessive discretion.)~~

~~6.2 Disciplinary Procedures~~

~~Definitions of Types of Discipline:~~

- ~~1) Oral Reprimand: An infraction that is 1) minor in nature or 2) does not involve a serious degree of negligence. A record of this action will be kept in the employee's~~

personnel file.

- 2) ~~Written Reprimand: An infraction that is 1) serious in nature or 2) involves a serious degree of negligence, where the supervisor is convinced that a written reprimand is necessary to correct the behavior. A record of this action will be kept in the employee's personnel file.~~
- 3) ~~Suspension/Demotion: An infraction that is 1) severe in nature, 2) involves gross neglect, or 3) where the past conduct of the employee demonstrates the infraction is repetitive in nature and the supervisor is convinced a suspension or demotion is the only remedy to correct the behavior. Department Heads, with the approval of the City Administrator or appropriate authority, may summarily suspend an employee with pay in cases of a serious infraction, criminal offense or similar incident until an investigation is completed and a determination is made as to whether disciplinary action will be initiated. Upon completion of investigation, the Department Head shall submit a recommendation to the City Administrator, or appropriate authority as soon as possible. After review, the City Administrator, or appropriate authority shall determine what if any, disciplinary action shall be initiated and notice of such determination shall be given to the affected employee and the Human Resource Director for inclusion in the employee's personnel file.~~
- 4) ~~Formal Notice of Unsatisfactory Job Performance: A formal notice of unsatisfactory job performance shall be a written statement, citing the disciplinary offense(s) that have resulted in the notice and stating that any additional infraction may result in either dismissal, demotion, suspension or reduction in pay. Any employee who receives a notice of unsatisfactory job performance will be placed on a six month evaluation period.~~

~~6.3.25) Dismissal from Service~~

~~Dismissal of an employee may occur if: a) An infraction, or series of infractions, are so grave in nature that continued employment would affect the operational effectiveness of the department, and the Department Head is convinced that corrective action is not possible. In these instances, the department head~~
The Department Head shall submit a letter to the City Administrator, or appropriate authority, describing the infraction(s) and the employee's case history, and shall include the reason(s) for recommendation for dismissal. The recommendation shall be reviewed by the Mayor and City Administrator, or appropriate authority, after consultation with the Human Resources Director-Department. If it is determined that dismissal should occur, notice of such determination shall be given to the affected employee and the Human Resource Department for inclusion in the employee's personnel file. The notice shall clarify the infraction(s) committed and the last date of employment as well as the deadline to appeal the action via writing.

~~6.3 Grounds~~

~~While it is not possible to list each and every action of an employee for which disciplinary action is necessary, there is established for purposes of this Chapter, Class A, B, C and D offenses as set forth in this section.~~

~~The following is a list (not all-inclusive) providing listed below are some examples of infractions of the City's rules and regulations unacceptable conduct: . The lists that follow should not be viewed as being all inclusive. Other types of behavior and conduct that the City considers inappropriate could lead to disciplinary action up to and including termination of employment with prior warning, at the sole and complete discretion of the City. Further, if performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in~~

~~the judgment of the City, based on violations of Class A, B and/or C offenses or any other policies, rules or regulations, the employee will be subject to disciplinary action, up to and including dismissal.~~

Class A Offense

~~An infraction which is fatal to the working relationship between the employee and the City and has the potential to cause a major disruption in normal operations. A Class A offense shall result in dismissal.~~

~~_____ A "Class A" Offense shall include the following actions or conduct:~~

- ~~28) Work disruption or stoppage, Engaging in a strike, work stoppage or other forms of job action withholding timely delivery of City services, slow-down.~~
- ~~19) Use Consumption, being under the influence of or possession of illegal non-prescribed drugs or alcohol while on duty. Failure to notify a supervisor of prescription drugs that may impair an employee while on duty.~~
- ~~16) Theft of public or private property, or property belonging to the City property.~~
- ~~26) Third notice of Incompetence, as reflected in performance record, or unsatisfactory job performance.~~
- ~~15) Insubordination, including the willful refusal to comply with proper order of higher authority.~~
- ~~16) When required by job description and duties to possess a driver's license or Commercial Driver's License, loss of or inability for the City to obtain automobile insurance of the employee due to infractions. driver's license for over 60 days.~~
- ~~17) When required by job description and duties to possess a Commercial Driver's License, inability to acquire or maintain a CDL for a period in excess of 60 days.~~
- ~~18) Actions or conduct similar in nature to those listed above but that are not specifically described above.~~

B. Class B Offense

~~An infraction which is critical in nature, involves gross negligence or has the potential to create serious disruption to normal operations. A Class B offense shall result in a formal notice of unsatisfactory job performance, suspension without pay of five (5) to fifteen (15) days, demotion or dismissal.~~

~~_____ A "Class B" Offense shall include the following actions or conduct:~~

- ~~29) Acts or threats of physical violence directed towards City officials or employees, or any third-party during work hours, duties, or functions. Fighting while on duty.~~
- 20) Unauthorized or improper use of official authority.
 - a. Failure to retain required certification for the position.

22) Conviction of a Felony or a Class I Misdemeanor.

~~a. A safety violation which entails reckless disregard of safety precautions or operating procedures that may result in injury, serious damage or death.~~

21) Solicitation or acceptance of any bribe for performance or non-performance of duties.

~~25) Fraud, falsification, or deceit in the conduct of City business or of any City document or record.~~

22) Intentionally or recklessly making false statement(s) in connection with any official duties.

~~23) Absent without leave for three (3) consecutive days.~~

12) ~~Intentional unavailability for or refusal to work over-time, during a call-back event, or in the case following notification, failure to report for duty promptly in the case of a community disaster.~~

11) Unauthorized obtaining, use or ~~communicating-release~~ of confidential, sensitive, or privileged information.

~~18) Sexual-Unlawful harassment and other forms of harassment as per Sections 1.18 & 1.19.~~

~~17) Inability to obtain automobile liability coverage when required by job duties to operate a motor vehicle.~~

~~18) Failure of an employee on-call to maintain physical and mental readiness for the request to return to duty.~~

~~19) Failure to report to Department Head anticipated treatment or surgery of work-related injury.~~

~~20) Obtaining, attempting to obtain and/or disseminate any information from Department files, reports or sources other than what is statutorily classified as public information.~~

~~21) Failure to successfully complete two consecutive work performance evaluation periods.~~

~~22) 17) Suspension or revocation of motor vehicle licenses or other loss of the privilege to operate a motor vehicle for a period of time less than 60 days if the employee is required by their job duties to possess a valid motor vehicle operator's license.~~

~~23) Actions or conduct similar in nature to those listed above but are not specifically described above.~~

~~C. Class C Offense~~

~~An infraction which is serious in nature or has the potential to create noticeable disruption to normal operations. A Class C offense shall result in the suspension without pay of one~~

~~(1) to five (5) days and a formal notice of unsatisfactory job performance for a second violation with a five (5) year period.~~

~~— A "Class C" Offense shall include the following actions or conduct:~~

23) A supervisor who knowingly issues an order requiring a subordinate to commit an illegal act and an employee who knowingly obeys an order requiring committal of an illegal act.

~~a. An employee who knowingly obeys an order requiring him or her to commit an illegal act.~~

~~b.a. An employee who slanders, defames or engages in backbiting or subversion of other employees, supervisors, managers or elected officials.~~

~~c. Abusive language, intimidation or mistreatment of a member of the public or another City employee.~~

~~d. Discriminatory treatment of any person because of political or religious opinions or affiliations or because of race, color, national origin, marital status, veteran status, age, sex or physical disability.~~

~~e. No Department Head or employee shall circumvent the Chain of Command, except where necessary in periods of emergency, serious breach of discipline, etc.~~

~~f. Failure of an employee to comply with any lawful order from his/her supervisor. The term "lawful order" shall mean a directive authorized by law, rule or regulation.~~

~~g. Absence without leave in excess of more than one hour.~~

14) Conduct unbecoming of a City employee, tending to be prejudicial to the reputation on the City government, or otherwise contravening the public interest.

13) Abuse of sick leave or other benefits paid leaves.

~~a. A safety violation which entails disregard of safety precautions or operating procedures that may result in injury, serious damage or death.~~

5) Use or attempted use of political influence or bribery intimidation or coercion to obtain an advantageous result, favorable personnel action.

6) Failure by a supervisor or employee to assume responsibility or exercise diligence, intelligence and interest in the pursuit of assigned duties either in quality or quantity, or whose performance is below acceptable standards as established in the performance evaluation system.

~~7) Actions or conduct similar in nature to those listed above but that are not specifically described above.~~

~~D. Class D Offense~~

~~An infraction which is minor in nature and does not unduly disrupt normal operations. A Class D offense shall result in a written reprimand and may result in suspension without pay not exceeding one day.~~

- 1) Failure to observe safety precautions or operating procedures that may or do result in injury or property damage.
- 2) ~~Unauthorized solicitation. Failure to report to work at the appointed time or place; or taking unauthorized time for lunch or rest break; or tardiness up to one hour. Unauthorized early departure from duties with or leaving an assigned duty station without authorization or proper relief.~~
- 3) ~~Unauthorized solicitation during regular work time.~~
- 3)4) ~~Conducting excessive personal business on City time, including excessive Failure to observe use of cell phone policy.~~
- 4)5) ~~.~~
- 5) ~~-~~

Discourteous or unprofessional behavior to a member of the public or another City employee.

- 6) ~~Abuse, misuse, neglect, or waste or misuse of City property.~~
- 7) ~~_____~~
- 7)8) ~~Horseplay, loafing, or sleeping, dozing or giving the appearance of sleeping or dozing while on duty.~~
- 8) ~~Failure to complete and submit reports in a timely manner.~~
- 9) ~~Failure to notify supervisor of impaired capacity as a result of a prescription drug.~~
- 24)18) ~~Failure to comply with rules regarding City smoking policy. Violation of City policies and procedures, as specified in writing or verbally understood.~~
- 25) ~~Failure to perform duties in terms of quality and/or quantity.~~
- 26)19) ~~For supervisors, failure to plan, organize, direct, train, and evaluate the work of subordinates.~~
- 27) ~~Failure to observe seat belt or safety belt policy.~~
- 28) ~~Failure to observe the Department's tornado watch & warning policy.~~
- 29) ~~Failure to observe the City's reimbursement of expenses policy.~~
- 30) ~~Actions or conduct similar in nature to those listed above but that are not~~

~~specifically described above.~~

6.4 Department Heads Failing to Report an "A" or "B" Offense

~~Failure of an employee to report a disciplinary matter in an expedient manner may result in the employee receiving discipline up to and including termination.~~

~~Any Department Head who does not report and document an "A" or "B" offense of an employee, shall be disciplined at that same level of offense.~~

6.5 Employees Failing to Report an "A" or "B" Offense

~~An employee who does not report an "A" or "B" offense of a supervisor or fellow employee shall be disciplined at one level below the offense of that supervisor or employee.~~

6.6 Types of Disciplinary Action

~~Disciplinary action shall be consistent with the nature of the deficiency or violation involved and the record of the employee.~~ Types of disciplinary action include oral reprimand, written reprimand, denial or delay of a scheduled salary increase, reduction in salary within grade, suspension from work with pay or without pay, demotion and dismissal. A lateral transfer may also be effected for disciplinary reasons. ~~One or more of the foregoing types of action may be taken for a particular deficiency or violation. Disciplinary action shall be imposed in a clear and businesslike manner and, as appropriate, shall be directed at improving the employee's performance and/or conduct and at avoiding recurrence of the deficiency or violation.~~

6.7 Disciplinary Authority

~~Unless otherwise provided by supplemental personnel regulations, all Department Heads shall have the authority to issue oral and written reprimands. All other types of discipline, including suspensions with or without pay, lateral transfers, demotions or dismissals require the approval of the City Administrator or appropriate authority. Disciplinary actions other than oral reprimands shall be thoroughly documented for permanent inclusion in the official personnel record of the employee(s) involved.~~

6.8-1.1 Protective Suspension Investigative Leave

When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, ~~he or she~~ they may be placed on investigative leave, with or suspended from work without pay, for the duration of the investigation or proceedings if necessary to protect the public interest. Such ~~suspension action~~ shall require the approval of the Mayor or City Administrator, ~~or appropriate authority~~ and any return to duty shall be under such terms and conditions as may be specified by the Mayor or City Administrator, ~~or appropriate authority~~.

SECTION 7: EMPLOYEE APPEALS

It is the preferred option for employees to informally take any job-related complaints, evaluation appeals, or questions about disciplinary action to their immediate supervisor for resolution. The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed however, as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination. **Note:** For Police Department employees subject to the Civil Service Act, the appeals procedure for any topics established in the Civil Service Commission Rules & Regulations governs. The following types of appeals fall under this category:

- Disciplinary: The City strives to provide fair and equitable treatment to all employees and to provide a welcoming atmosphere. If an employee feels disciplinary action was unjustly applied or if an employee is experiencing an unwelcome atmosphere, an appeal or complaint can be made.
- Performance Evaluation: By their very nature, performance appraisals are subjective, even though they include objective performance standards. Immediate supervisors and department heads are in the best position to evaluate an employee's work performance and work behavior. For this reason, the Human Resource Director will not attempt to substitute their judgment for the supervisors unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory, or just plain wrong based on verifiable data. If an employee feels they have been incorrectly evaluated, an appeal can be made.
- Handbook Interpretation: The basis of the handbook is to provide a transparent, equitable, and consistent opportunity for all City employees by providing good working conditions, opportunity for advancement, consideration for employee welfare and a basis for understanding the conditions of City employment. If an employee feels an item within the handbook has been handled incorrectly by a department head or City Administration, an appeal can be made.

7.1 Procedure

An employee wishing to file an appeal or complaint, should follow the formalized procedure as identified below:

Step One: If an employee wishes to file an appeal or a complaint, it shall be presented in writing to their department head within five (5) business days from the time of occurrence. The appeal/complaint shall clearly state the basis and the relief requested. The department head will review the complaint with the City Administrator and Human Resource Director. Upon completion of review, the department head shall respond to the employee in writing within five (5) business days after receipt. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint in further detail or to complete an investigation.

Step Two: If an employee still feels the answer is not satisfactory, they may appeal the decision in writing to the Mayor within five (5) business days after receiving the written response from the department head. The Mayor will investigate the complaint within ten (10) business days. The investigative process may include any of the following: a review of the written summary of the employee's statement, a review of the department head and City Administrator's findings, discussions with all witnesses or individuals concerned, and a further investigation by the City's Labor Attorney if necessary. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results and decision based on that investigation. The decision will be final and binding.

6.9 Employee Grievance—Appeal Procedure for Disciplinary Action

Step One: If an employee wishes to appeal a disciplinary action, they shall present the appeal in writing, on forms available at City Hall to their Department Head within five (5) working days from the time of occurrence. The Department Head will review the disciplinary action and appeal with the City Administrator, and respond to the employee in writing within five (5) working days after receipt. Meetings may be held with the employee, and any other witnesses, to discuss the grievance

~~Step Two: If an employee still feels the answer is not satisfactory, they may appeal that decision in writing to the Mayor (Civic Center Commission for Civic Center employees) within five (5) working days after receiving the response from the Department Head and City Administrator. The Mayor (Civic Center Commission) will investigate the grievance within ten (10) working days. This may include a review of the written summary of your statement, a review of the Department Head and City Administrator findings, discussions with all witnesses or individuals concerned, and a further investigation by the City's Labor Attorney if necessary. Meetings may be held with the employee, and any other witnesses, to discuss the grievance. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results of the investigation and decision based on that investigation. The decision will be final and binding.~~

~~For Police Department employees subject to the Civil Service Act, the appeal procedure for disciplinary action established in the Civil Service Commission Rules & Regulations governs.~~

~~The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed however, as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination. (Updated 12/2012)~~

TERMINATION:

~~An exit interview will be arranged on the employee's last day of active service at which time the employee will turn in all City uniforms, equipment and materials issued during their tenure. Termination of Employment". Employees who resign in good standing shall also be entitled to re-employment as provided in "Pay Plan—Re Employment". (Updated 12/2012)~~

76.2.1 Reduction in Force (Layoff)

~~As an 'at-will' employer, an employee may be laid off because of a reduction in required personnel, reorganization of a department or City Function, a decrease in ~~work~~ ~~load~~ workload, or a lack of funds. Whenever possible, employees who are to be laid off in one department shall be integrated into another department by transfer. Determinations of department transfer will include the following determinations: length of City service; performance record; acquired certificates and licenses, and; knowledge, skills, education, and ability. It is the policy of the City in establishing a reduction in force policy, to consider several factors, which include, but are not limited to:~~

~~The multiple job skills recently or currently being performed by the employee;~~

~~The knowledge, skills and abilities of the employee;~~

~~The performance appraisal of the employee, including any recent or pending disciplinary actions involving the employee;~~

~~The employment policies and staffing needs of the department, together with contracts, ordinances and statutes related thereto;~~

~~Required federal, state, or local certificates or licenses; and~~

~~Seniority~~

~~This policy applies to all employees who have successfully passed through the City's initial orientation period, except those included in a bargaining unit or covered by State Civil Service Laws. For those employees still under the terms of the City's orientation period,~~

~~and not included in a bargaining unit or covered by State Civil Service laws, employment may be terminated with or without cause or without notice, at any time, at the option of the City.~~

For those employees ~~with five years or more of continuous employment with the City and not included in a bargaining unit or not~~ covered by State Civil Service laws, the following procedure will be utilized when a layoff is necessary:

- 1) The City Administrator will determine how many employees are to be reduced from the payroll.
- 2) The City Administrator will determine by skill levels, work record and length of service, who are the employees to be reduced.
- 3) The City Administrator will determine those employees who are in critical jobs which are exempted from this procedure. A critical job is defined as one which requires special skills, education, training or specialized knowledge.
- 3)4) The City Administrator will review any lay-off determination with the Mayor and City Council prior to issuing formal notice to affected employees.

The City will ~~endeavor to give provide at least~~ two (2) weeks' written notice of a layoff prior to the effective date unless an emergency exists. ~~Formal~~The written notice shall include the reasons for the action as well as last date of work and benefit coverage information of the layoff will be issued by the City Administrator and will contain the following information:

~~Notice of the last day to be worked.~~

~~Benefit coverage and date of expiration.~~

~~Reason for the layoff and anticipated length of the layoff.~~

~~Notices will be personally given to the employees by the City Administrator and their immediate supervisor or will be sent to their last known address by certified mail.~~

~~Within two years following the effective date of the reduction in force, any person terminated solely because of the reduction in force shall be afforded an opportunity for reinstatement to the same position from which the termination occurred or a position below the former position, provided that the person is qualified to perform the duties of the position and such reinstatement would be in the best interest of the City.~~

76.2.3 Resignation (Updated 11-15-16)

All ~~Appointed~~ appointed ~~Officials~~ officials as defined by City Code and without a contract, who desire to resign in good standing, shall provide a written resignation to the City Administrator ~~or Appropriate Authority~~ a minimum of forty-five (45) days prior to the effective date of their resignation.

~~All other~~ Non-appointed ~~employees, without a contract,~~ s who desire to resign their position ~~with the City~~ in good standing, shall provide a written resignation to the Human Resources Director their Department Head, City Administrator or appropriate authority ~~a minimum at least~~ of two (2) weeks prior to the effective date of their resignation.

~~Vacation~~ Accrued non-sick leave will not be allowed during the final forty five (45) day or

two (2) week time period, except by agreed upon, written conditions between the employee and the Mayor or, City Administrator ~~or appropriate authority~~. ~~Personal/Safety leave is allowed upon prior approval of the Department Head. Only under extreme conditions will vacation/personal/safety leave be allowed on the last day of active service.~~ Compensation for any earned accrued, eligible and accrued vacation/personal leave balances will be awarded ~~issued~~ to the employee with their final paycheck. ~~(Updated 11-15-16)~~

~~Employees terminating before completion of one full year of employment must repay any salary received for sick leave drawn in excess of their total allowed accumulation. This repayment will be adjusted on their final paycheck.~~

76.2.4 Retirement from Employment

~~Whenever an employee meets the conditions set forth under the two retirement systems which exist within the City (See "Employee Benefits—Retirement Systems"), he may be retired and shall receive all earned benefits therefrom.~~

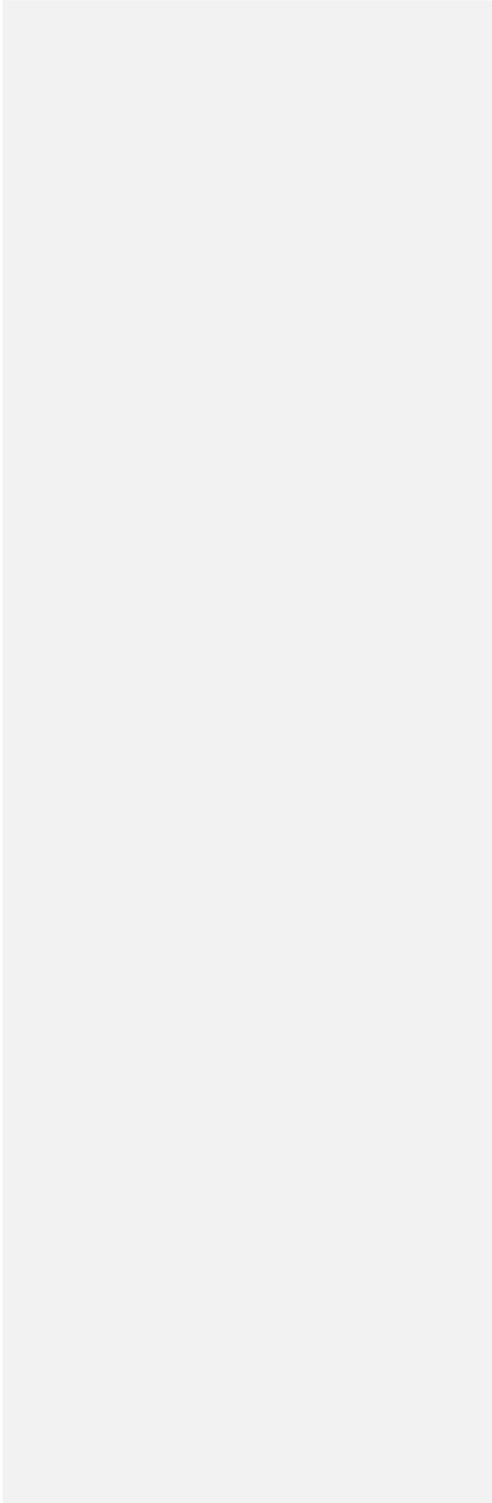
An employee is eligible for retirement when they've reached the age of 'full retirement' or 'early retirement' as defined by the Social Security Administration. An employee may continue their employment beyond the full retirement age if they desire and remain capable of performing the mental and physical responsibilities as defined in their associated job description. An employee may be required to undergo appropriate examinations to determine whether the employee should continue in employ if they show signs of not being able to perform the duties required by the position.

An employee who qualifies for retirement will be entitled to their benefits as outlined in Section 4.6.5 'Retirement Systems' as well as payout for any accrued, eligible leaves.

7.5 Dismissal

See "Discipline - Dismissal.

As was noted at the beginning of this policy, this personnel manual does not create any contractual rights of employment. It is intended to give you general guidelines on employee personnel policies for the City of Seward. These personnel policies may be modified by the City Council at any time and you will be given notice of any such modifications. (Updated 3/2/99)



C. Consideration to Adopt a Revised Employee Personnel Handbook--Introduction & Sections 1-7--Dated August 15, 2023

INTRODUCTION TO EMPLOYEE HANDBOOK

The Mayor and City Council (Council) of the City of Seward, Nebraska (City) shall be the ultimate policy-making authority for the City in all matters pertaining to personnel administration. These policies, practices, or procedures included herein shall become effective when adopted by the Council. Upon adoption, the employee handbook shall supersede all previous or conflicting personnel policies, rules, regulations, and procedures adopted by the Council. The handbook shall apply to all departments, divisions and employees of the City except in cases of conflict with applicable City ordinances, state or federal laws or regulations or with the rules of the City of Seward Civil Service Commission as statutorily applicable.

Copies of the handbook shall be issued to all employees as part of new hire orientation. A current copy will be on file in the Human Resource Director's office and will be made available on the City website. It is the duty of each employee to read, understand, and comply with all provisions of the Handbook. It is your obligation to treat all citizens fairly, ethically, and with special privileges to none.

The purpose of this handbook is to serve as a written statement of the basic personnel policies, practices, and procedures of the City, which affect employment matters. This Handbook is not an exhaustive list of every workplace policy, practice, or procedure, but rather a guide to employees on commonly raised questions. Although the City has attempted to cover matters of general applicability to employees, no employee handbook can anticipate every circumstance or question about policy. The City, with approval of Council, reserves the right to revise, supplement or rescind any policies or portion of this Handbook as it deems appropriate, at any time, in its sole and absolute discretion, and to interpret these policies and procedures in its sole and absolute discretion. Employees will, of course, be notified of such changes to the Handbook as they occur.

The contents of this handbook are presented as a matter of information only and do not constitute an expressed or implied contract of employment between employee and the City. Nothing in this handbook is intended to nor should be construed to create a contract or guarantee of employment. Permanent employment or employment for a specific term is neither guaranteed nor promised to any employee of the City.

CITY'S COMMITMENT TO EEO, AA, AND ADA

The City affirms its commitment to equal employment opportunity (EEO) by providing a work environment that does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other prohibited basis of discrimination protected by law, will not be tolerated. The City also affirms its commitment to affirmative action (AA) to base all employment decisions only on valid job requirements. These policies shall apply to all aspects of employment actions, including recruitment, selection, job assignment, promotion, transfer, evaluation, discipline, termination, compensation, benefits, and selection for training, at all levels of employment.

The City abides by the requirements of the Americans with Disabilities Act (ADA), the ADA Amendment Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the City Administrator. The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City.

SECTION 1: METHOD OF MEETING STAFFING NEEDS

1.1 Classification of Employees

For purposes of salary administration, overtime, and benefits, the City of Seward classifies its employees as follows:

- A. ***Introductory Employee.*** An introductory employee is classified as an employee that has not completed their introductory evaluation period as specified in Section 1.5. Introductory employees are not yet eligible for retirement benefits but are eligible immediately for medical insurance and leave benefits if they are a full-time employee. An employee in this classification will be subject to establishment of performance evaluation goals each April 1st and October 1st.
- B. ***Regular Full-Time Employee.*** An employee who has completed the introductory period and is expected to work 40 hours per week. The employee may be considered exempt (salaried) or non-exempt (hourly), depending on how their classified position is indicated in the job description. This classification of employees is eligible for City benefits—leave, retirement, medical—as identified in Section 4. An employee in this classification will be subject to establishment of performance evaluation goals each April 1st and October 1st.
- C. ***Regular Part-Time Employee.*** An employee who has completed the introductory period and is expected to work between 20-29 hours per week on average. The employee will be classified as non-exempt (hourly) and will be eligible for leave benefits only as identified in Section 4. An employee in this classification will be subject to establishment of performance evaluation goals each April 1st and October 1st.
- D. ***Part-Time Employee.*** An employee who will not complete an introductory period and is expected to work less than 20 hours per week on average. The employee will be classified as non-exempt (hourly) and will be eligible for leave benefits only as identified in Section 4. An employee in this classification will not be subject to the establishment of performance evaluation goals.
- E. ***Seasonal Employee.*** An employee who will not complete an introductory period and is expected to work up to 40 hours a week for a specified period of time. The employee will be classified as non-exempt (hourly) and will not be eligible for any benefits identified in Section 4. An employee in this classification will not be subject to the establishment of performance evaluation goals.

1.2 Procedure for Staffing City Departments

Department Heads shall notify the City Administrator and Human Resources Director as soon as they become aware of actual or impending vacancies within their Department. The hiring process may not be undertaken without the authorization of the City Administrator, who may specify the selection process or processes to be used. If a Department Head feels the need to add an additional employee or employees, a request should be submitted and approved by the City Administrator or by the City Council if it creates a new position. The request will be considered based on current and forecasted budget availability, assessment of current and forecasted duties of the department, and in consideration with any facility or equipment upgrades to be implemented. If a vacancy is actual or impending for the role of Department Head, the City Administrator will initiate the hiring process and the chosen candidate will be appointed by the City Council.

No applicant shall be prohibited from securing employment and promotional/transfer opportunity with the City of Seward on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status genetic information or any other characteristic protected by law. Any evidence of discrimination shall be brought to the attention of the affected employee's Department Head, Human Resources Director and City Administrator, in that successive order. The City will make reasonable accommodations for the known physical or mental

limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of City business.

1.2.1 Selection of an Employee Currently in City Service

1.1.1a Promotion - A promotion is the assignment from a position in one class to a position in another class having a higher maximum salary. A Department Head may recommend an employee be promoted to a higher classification if the employee has demonstrated one or all of the following: efficiency in service, continued development, education, skill attainment or length of service in current position. A recommendation for promotion of a non-appointed employee shall be submitted to the City Administrator and must gain approval before initiated. City employees may apply and be considered for any vacant or newly created position but will be considered in the same manner as members of the public.

1.1.1b Transfer - A transfer is any assignment from position to another within the City, which may be considered a promotion if the employee qualifies. City employees shall have the privilege of requesting a transfer to another department at any time there exists a vacancy for which they qualify. Department Heads shall give deliberate and impartial consideration to such requests within their respective departments and should submit the request to the City Administrator for consideration and approval.

1.2.2 Competitive Selection

When a competitive selection process is to be used, the City Administrator, according to the best interest of the City, may designate the area of consideration to applications from the following:

1.2.2a The selection process may be limited to persons currently employed in the City service. If this method of filling a vacancy is chosen, advertisement of the position will be limited to internal methods only and the selection process may be governed by the promotion policy.

1.2.2b The selection process may be opened up to the general public in which case any qualified applicants are encouraged to file an application. If this method of filling a vacancy is chosen, advertisement for the position shall be coordinated through the Human Resources Director. Each vacancy announcement shall include, at a minimum the following information:

- Title and salary of the position;
- Summary of the qualifications for the position;
- Method of and deadline for filing applications; and
- A statement that the City is an equal opportunity employer

Applications shall be filed with the contact as specified in the applicable vacancy announcements. The City Administrator may authorize the acceptance of late applications if in the best interest of the City. The City shall provide all reasonable assistance to persons requesting help in completing their applications. All information submitted by applicants shall be subject to verification. The City may cease accepting or processing applications at any time in accordance with operational requirements.

After the deadline for submittal, Department Heads and/or applicable Boards/Commissions, shall thoroughly screen the applications for completeness and should rank them on the basis of how well the applicant meets the hiring criteria indicated in the job advertisement. Criteria may include, but not be limited to the following: education, experience, skills/abilities, special training and certifications. Based on the rankings developed, the Department Head or Board/Commission in coordination with the Human Resources Director shall schedule and conduct interviews with the

highest-ranking candidates. Depending on the number of applications for a vacancy, it will be the intention to interview at least three applicants formally. Applicants who are interviewed shall be asked the same questions and their answers recorded in writing—any written documents, notes or tapes utilized or created in an interview will be forwarded to the Human Resources Director for retention. Applicants may be interviewed more than once if deemed necessary. Before the best candidate is identified, Department Heads or Board/Commission shall undertake the following tasks as possible: verification of previous employment, indication of performance in previous positions. Once the best candidate is identified, the Department Head or Board/Commission shall submit their recommendation to the City Administrator for consideration. If filling a vacancy for a non-appointed position, the City Administrator shall authorize the offer of the candidate deemed best qualified to fill the vacancy. If filling a vacancy for an appointed position, the City Administrator shall present a recommendation to the City Council for consideration and approval. The appointed individual will be offered the position only after City Council approval at a regular meeting.

Civil Service Rules & Regulations apply to appointing/hiring all sworn Police Department employees.

1.2.3 Non-Competitive Selection

When in the best interest of the City, a non-competitive selection process may be specified by the City Administrator. Vacancies may be non-competitively filled with qualified person by the following means:

- a. Reinstatement of a former City employee;
- b. Demotion for cause, as specified in 'Disciplinary Action';
- c. Re-promotion of an employee previously demoted in lieu of reduction in force;
- d. Lateral transfer; or
- e. A selection process within the existing City service employees (See 1.2.2a).

1.2.4 Disqualification of Applicants

An applicant may be disqualified from further consideration at any stage of the selection process for any of the following reasons:

- a. Applicant is an illegal alien or an alien with a visa specifically precluding their working;
- b. Applicant will not have attained their 18th birthday at the time of hire, except in cases where a lower minimum age has been established in the vacancy announcement;
- c. Applicant is not medically qualified to perform the duties as ascertained in a manner prescribed by the City Administrator, except that disabled persons shall not be disqualified on medical grounds if their disability can reasonably be accommodated in the workplace;
- d. Applicant is not of good moral character to the extent that their job performance would be impaired or that significant discredit or excessive risk would be brought upon the City by their employment;
- e. Applicant is not able to meet the residential requirement of the position;
- f. Employment of the applicant will violate the prohibition on the employment of relatives;
- g. Employment of the applicant will create a conflict of interest situation;
- h. Applicant lacks the education, experience, aptitude, or similar qualifications required for the position;
- i. Applicant obtains a positive substance abuse test result during the conditional offer phase of hiring;

- j. Applicant has a concerning background check result during the conditional offer phase of hiring, that would constitute an excessive risk to the City if they were employed;
- k. Applicant has been or is about to be dismissed from employment or military service for reasons indicating a current unfitness for the position or constituting an excessive risk to the City if they are employed;
- l. Applicant has made a false statement of material fact or has committed or attempted to commit a fraudulent, illegal, or unethical act or has attempted to exert political influence at any point in the application or selection process; or
- m. Applicant will not possess any required license or certificate or will not be able to comply with any other requirement or condition of employment as specified.

1.3 Conditional Offer Phase of Hiring Process

1.3.1 Physical Fitness to Perform Job Duties

An applicant may be required to submit to a medical examination only after a conditional offer of employment and only if the examination is required of all applicants for the position. If the examination disqualifies an individual because of a disability, the examination standards shall be job-related and consistent with business necessity. An employee's medical records will be retained separate from personnel files and kept confidential in compliance with the regulations of the U.S. Equal Employment Opportunity Commission and the Nebraska Fair Employment Practice Act.

1.3.2 Drug and/or Background Testing

An applicant may be required to submit to a substance abuse test prior to employment and in adherence to section 2.9.3. A background check of all prospective employees will be completed at the discretion of City Administration.

1.3.3 Employment of Relatives

No applicant for a regular full-time position or regular part-time position shall be considered for employment if the position for which they are applying would result in their working in the same department as a member of their immediate family. These same conditions will apply for an employee who is promoted or transferred to a position in any department which would result in working in the same department as a member of immediate family. These policies apply to all members of the immediate family of all personnel of the City. Seasonal and temporary full-time or part-time positions are exempt from this policy.

1.4 Reinstatement of Previous Employees

Employees who retired from active City employment, whether or not they are receiving pensions from funds provided by the City, shall not be eligible for active employment pay from any City department funds unless approved by the City Administrator.

An employee who is separated from service with the City and did so in good standing, either due to a resignation or the elimination of a position, may be re-employed provided that the person is qualified to perform the duties of the position. In appropriate circumstances, reinstatements following layoff shall be based on seniority, with the persons with longest total regular City service being re-employed first. The employee shall once again serve an evaluation period regardless of the employee's status prior to the separation.

An employee who is re-employed shall be given credit for one-half of the years of service from a prior employment, given the re-employment date is within three (3) years of a previous employment ending date. If such credit is equal to or greater than one-half year, such credited year(s) are rounded up to the next full year of service. If such credit is less than one-half year, such credited years are rounded down to the previous full year of

service. The accrual rate for benefits will be determined using the same credit calculation. **EXAMPLES: #1.** An employee who worked five (5) years previously would receive credit for 2.5 years, therefore, their credited service would be rounded up to three (3) years of service. **#2.** If an employee worked 2.5 years, they would receive credit for 1.25 years thus would be rounded down to one (1) year of service.

1.5 Introductory/Evaluation Period—Applicable to new, re-instated or promoted employees

All regular full-time and regular part-time employees of the City of Seward shall serve in an introductory period for the first six (6) calendar months of employment. The purpose of this is to permit the Department Head to closely observe and evaluate the capabilities and willingness of the new employee. During this time, the Department Head or Supervisor shall encourage and assist the new employee in making a successful adjustment to working for the City. Performance goals will be established for the next full period (six months) of performance goals creation, which begins in April and October annually.

For a promoted or re-instated employee (who previously completed an introductory period), an evaluation period of six (6) calendar months will be utilized for the Department Head to observe the capabilities of the employee in meeting the job requirements for the position. The Department Head and said employee shall establish performance goals at the beginning of a promotion or re-instatement period to allow for proper evaluation.

1.5.1 Failure of Introductory or Evaluation Period

At any time during the six-month introductory or evaluation period, an employee may be dismissed from the City service or may be reassigned by lateral transfer or demotion if their conduct, quality of work and/or fitness are insufficient to continue in the position. The Department Head, with the approval of the City Administrator, may provide an employee an additional period to demonstrate acceptable performance by extending the introductory or evaluation period no more than three months—failure to demonstrate acceptable performance after this extended evaluation period shall result in dismissal. The employee and Human Resources Director shall be notified if an introductory or evaluation period is extended. If an employee was promoted to the position and fails the six-month evaluation, they will be returned to their former position, if open, or may be reassigned to any other position deemed to which they qualify or may be terminated.

SECTION 2: EMPLOYEE RESPONSIBILITIES AND CONDUCT

2.1 Standards for Appearance:

As City representatives, employees should present a clean and professional appearance when in contact with other employees, elected officials, and members of the public. Employees are expected to use good judgement and common sense in choosing their workday attire. It is the intent of the City of Seward that any dress code standards created hereunder shall not discriminate against any employee based on race, color, religion, sex (including pregnancy, sexual orientation or gender identify), national origin, age, disability, marital status, military status, genetic information or any other protected class under the law. If the employee would request an accommodation based on any of the preceding factors, they should discuss the need with their immediate supervisor and/or the City Administrator. Instances of violation will be reported in the following order based on seriousness: immediate supervisor, Department Head, City Administrator or proper authorities.

2.1.1 General Workday Attire

Generally, all employees will dress in a manner that projects a professional, neat, business-appropriate appearance. With the prior approval of the City Administrator, Department Heads may have the ability to create different dress codes for their entire department, or within certain divisions, and even by certain work locations or sites. Several factors will be considered by the City Administrator in considering the request for an alternative dress code, including, but not limited to:

- The nature of the assigned work tasks and job assignments;
- whether such employee will be working primarily indoors or outdoors;
- federal, state and local safety regulations and requirements;
- interactions and meetings with the public, business agents, elected officials, and other officers.

Certain employees may be provided with uniforms and other City equipment, tools, and safety gear as needed to successfully complete job tasks.

2.1.2 Casual Workday Attire

Casual dress day may be observed by some departments on a designated day of every week, for a holiday or at any specified time by the City Administrator. An employee's participation in casual dress day is optional. Employees should not participate in any casual dress day when that employee has a scheduled meeting or presentation in which such casual dress wear would not be business or task-appropriate. Generally, on designated days these guidelines should be followed:

- No attire that is ripped, torn or has holes
- No attire that is unduly revealing and/or provocative
- No attire that is not appropriate for the task being performed for that day
- No attire that portrays a negative image or has inappropriate advertising or logos (eg. Drugs or alcohol related materials, obscene or inappropriate portrayals or pictures).

2.2 Attendance

Employees shall promptly be in attendance at their place of work in accordance with the policies regarding hours of work, holidays and leave. Work hours shall be established by the Department Head and be approved by the City Administrator beforehand. If a department's regular work hours are altered, employees will be notified a minimum of 14 calendar days before the incorporated change.

If an employee, for some unavoidable reason, cannot report for work, the employee shall notify their supervisor or Department Head in advance of the first normal duty hour; in addition, if an employee has to leave work during the day for some unavoidable reason,

they shall notify their Department Head or supervisor before they leave. Failure on the part of an employee to comply with these policies shall be cause for disciplinary action.

2.2a Break Periods

A fifteen-minute break period will be allowed to employees of the City during each one-half day of work (typically 4 hours) for relaxation from the regular routine of duty. With the exception of the Police and Library personnel, an employee scheduled for an 8-hour shift will be allowed one meal period each workday. The meal period will be at least thirty (30) minutes but no longer than one (1) hour in length and will be scheduled to accommodate operating requirements of the Department. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Department Heads have the ability, on a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator. Police and Library personnel are not relieved of all active responsibilities and restrictions and consequently may be compensated for mealtime.

The City shall provide 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; and 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 the employee to express breast milk. If possible, such break time should be taken concurrently to the break time already provided to the employee. Department Heads have the ability, on a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator.

2.3 Complaint Policy

In situations where an employee feels a work-related complaint in regard to policy and handbook implementation is in order, the following steps should be taken:

2.3.1 If an employee believes that they have a legitimate work-related complaint, the employee is encouraged to first attempt to resolve the issue(s) with their Department Head. The complaint shall be presented in writing, on forms available at City Hall to their Department Head within five (5) business days from time of incident. The complaint shall clearly state the basis for the complaint and the relief requested. The Department Head will review the complaint and respond to the employee in writing within five (5) business days of receipt.

2.3.1b An employee remaining dissatisfied after receiving response from the Department Head may then submit the complaint to the City Administrator within five (5) business days after receiving response. The City Administrator will then review and respond within five (5) business days of receiving the complaint. Meetings may be held with employee, the Human Resources Department, and any other employee to discuss the complaint and remedy.

2.3.2 If a Department Head believes that they have a legitimate work-related complaint, the Department Head is encouraged to first attempt to resolve the issue(s) with the City Administrator. The complaint shall be presented in writing, on forms available at City Hall to the City Administrator within five (5) business days from time of incident. The complaint shall clearly state the basis for the complaint and the relief requested. The City Administrator will review the complaint and respond to the Department Head in writing within five (5) business days of receipt.

2.3.2b A Department Head remaining dissatisfied after receiving response from the City Administrator may then submit the complaint to the Mayor within five (5) business days from that date. The Mayor will investigate utilizing any or all of the following tools – written summary of the complaint, a review of the City Administrator's response, and/or consultation with the City Labor Attorney - and respond within ten (10) business days of receiving

the complaint. Meetings may be held with employee, City Administration, and the Human Resources Department to discuss the complaint and remedy. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results of their investigation and decision. The decision on the complaint shall be final and binding.

Time limits will strictly be enforced. Late submission of a complaint at any stage of the procedure shall bar its consideration unless there are extenuating circumstances. Similarly, if a Department Head or the City Administrator should fail to provide a written response within five (5) business days of receipt of complaint, the employee shall be allowed to advance their request to the next higher authority.

2.4 Personal Business

While on duty, personal phone calls (both incoming and outgoing), appointments and visitors should be conducted at break times or avoided unless absolutely necessary.

2.5 Cell Phone Usage

While at work, employees are expected to exercise the same discretion in using personal cell phones and electronic devices as is expected for the use of city phones. Excessive texting and personal calls during the workday, regardless of the phone or device used, can interfere with employee and department productivity and can be distracting to others. Employees are encouraged to text and make any other personal calls on non-work time where possible and to ensure that friends and family members are aware this policy.

Where workload needs demand immediate access to an employee, the City may issue a cell phone or other electronic device for work related communications, or a fee arrangement may be made to have the employee carry their own cell phone on an agreed upon schedule. As requested, the employee may be asked to produce this cell phone or electronic device for immediate return or inspection.

All employees are expected to follow applicable state or federal laws or regulations regarding the use of cell phones or other electronic devices. Employees whose jobs responsibilities include regular or occasional driving as a part of the work day shall refrain from texting or using the keypad while driving. Safety must come before all other concerns. Bring the vehicle to a safe stop before texting or using the keypad of the cell phone or electronic device.

Where possible, hands-free equipment will be provided with city issued phones and other electronic devices to facilitate the provisions of usage.

2.6 Outside Employment

Employees of the City of Seward may take occasional or part-time jobs if there is no conflict with normal working hours; the employee's efficiency in his work is not hampered; or conflict with the interests of the City do not arise. The employee shall complete an "*Outside Employment Form*" and advise their Department Head of the nature of the outside employment, hours involved, and any other appropriate information prior to acceptance of the outside employment. The Department Head shall then recommend to the City Administrator or appropriate authority whether the outside employment should be approved. Outside employment by City employees shall not be authorized unless first approved by the City Administrator or appropriate authority. In any situation wherein extra duty will be necessary in an employee's normal City work, such extra duty shall be in preference to his outside employment.

2.7 Political Activity

No employee shall be prohibited from participating in political activities except during work hours or when otherwise engaged in the performance of his or her official duties. No employee shall engage in any political activity while wearing a City uniform or wearing clothing denoting themselves as a City of Seward employee

2.8 Social Media Usage

Employees shall refrain from using social media while on work time, unless it is work-related as authorized by the Department Head or consistent with the Cell Phone, Computer and Internet Services policy. Employees shall not use the City of Seward's email addresses to register on social networks, blogs or other online tools utilized for personal use.

2.8.1. General Social Media Use

The City of Seward takes no position on an employee's decision to start or maintain a blog or to participate in other social networking activities. However, it is the right and duty of the City to protect itself from unauthorized disclosure of confidential information and information expressly exempted from Nebraska's public records laws. Unless specifically instructed, employees are not authorized and therefore are restricted from speaking on behalf of the City. Employees may not publicly discuss confidential information or information expressly exempted from Nebraska's public records laws outside of City-authorized communications. Employees are expected to protect privileged data. For example, employees, vendors, or clients are prohibited from disclosing personal employee and nonemployee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to citizen financial information, legal process information, and personnel issues.

Employees are cautioned that they should have no expectation of privacy while using the internet. Postings can be reviewed by anyone, including City staff. The City reserves the right to monitor comments or discussions about the City, its employees, vendors, and contractors posted on the internet by anyone, including employees and non-employees. The City may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forum, and social networking sites.

Employees are cautioned that they should have no expectation of privacy while using City equipment or facilities for any digital purpose. The City reserves the right to use content management tools to monitor, review or block content on city blogs that violate City blogging rules and guidelines.

2.8.2. Authorized Social Media Use on Behalf of the City

Only authorized employees can prepare and modify content for the City of Seward website and/or the social networking entries located on the web. Content must be relevant, add value and meet at least one of the specific goals or purposes developed by the City. If uncertain about any information, material, or conversation, discuss the content with the respective Department Head and/or City Administration. Access to City-owned social media sites will be discontinued upon resignation or termination of an employee who posts on behalf of the City.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted by an authorized employee.

2.9 Care and Use of City Property

Employees shall be responsible for the proper care and use of all City property entrusted or available to them. Employees damaging or losing City property through negligence or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss. City equipment, keys, materials, and supplies shall not be used for private purposes and shall not be removed from authorized locations without proper supervisory approval. Employees leaving the City service shall return any tools, uniforms, or other City property issued to them before receiving their final pay.

At no time will any employee or member of the public be allowed to use/borrow City equipment, or place or park their own personal vehicle in a City owned garage, shop or building. (This includes parking on city premises to change oil, wash vehicles, etc.). City

employees shall only be entitled to utilize and borrow City-owned equipment and facilities as per the policies of general use from the public.

2.9.1 Smoke Free Policy (New section added 11-01)

Smoking by the public and City employees shall be prohibited in all municipal buildings and vehicles.

2.9.2 Guidelines for Computers & Internet Services

The City of Seward recognizes the need for computers and technology services to provide a productive professional work environment and will provide the necessary equipment to conduct such business. Computers and internet services are provided by the City of Seward to support open communications and exchange of information and the opportunity for collaborative government-related work. During business hours, computer use and internet communications to and from City employees and with outside entities, are presumed to be work-related. Although access to information and information technology is essential to the missions of government agencies and their users, use of computers and internet services is a revocable privilege. Abuse of the internet access provided by the City in violation of law or City policy will result in disciplinary action, up to and including termination of employment. Employees may be held personally liable for any violations of this policy. The following guidelines have been established to help ensure responsible and productive Internet usage.

All Internet data composed, transmitted, or received via the City's computer communications systems is subject to disclosure to law enforcement and other third parties. Employees should always ensure that the information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

City computers and data stored in them are the property of the City and may be accessed at any time by authorized City officials. The equipment, services, and technology provided to access the internet offered by the City remain at all times property of the City. As such, the City reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through their online connections and stored in their computer systems. Employees should not expect privacy in the use of City computers.

Data that is composed, transmitted, accessed, or willingly received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating or disruptive to any employee or other person, except in the cases necessary for the performance of a specific job-related duty. Examples of unacceptable content may include, but are not limited to sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonable offend someone on the basis of race, color, age, sex/gender, religious or political beliefs, military status, national origin, disability, sexual orientation, marital status, pregnancy, genetic information, gender identity or any other characteristic protected by law.

The unauthorized use, installation, copying or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its' use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can damage computers. Any software obtained from outside City government should be virus checked prior to use. Internet users

should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

The use of e-mail through the City's network is for business purposes. Minimal personal use of the electronic mail system and Internet is permitted; however, the personal use is limited to the user's own time and is not to interfere with the job responsibilities and must adhere to all rules referenced herein. Employees should not use any e-mail messaging account or service other than that provided by the City.

When an instance of non-compliance with these guidelines is discovered or suspected, management shall take action in accord with City personnel policies. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the City of Seward network. User accounts and password access may be withdrawn without notice if a user knowingly violates the acceptable use policy. Abuse of the Internet access provided by the City in violation of law or the City policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of the policy.

The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- a. Any purpose which violates a federal, state or local law;
- b. Sending or posting discriminatory, harassing or threatening messages or images;
- c. Using the organization's time and resources for personal gain or for fundraising or public relations activities not specifically related to City activities;
- d. Stealing, using or disclosing someone else's code or password without authorization;
- e. Copying, pirating, downloading or installing software and electronic files without permission;
- f. Sending or posting confidential material, trade secrets or proprietary information without authorization;
- g. Violating copyright law;
- h. Failing to observe licensing agreements;
- i. Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted internet services and transmissions;
- j. Sending or posting messages or materials that could damage the organization's image or reputation;
- k. Participating in the viewing or exchanging of pornography or obscene materials;
- l. Sending or posting messages that defame, harass or slander other individuals;
- m. Attempting to break into the computer system of another organization or person except in the cases necessary for the performance of a specific job-related duty;
- n. Refusing to cooperate with a security investigation;
- o. Sending or posting chain letters, solicitations or advertisements not related to business purposes or activities;
- p. Using the internet for political causes or activities, religious activities or any sort of gambling;
- q. Jeopardizing the security of the organization's electronic communications system;

- r. Passing off personal views as representing those of the City or other users;
- s. Sending anonymous e-mail messages;
- t. Accessing or distributing computer games that have no relation to City activities;
- u. Other similar actions.

2.9.3 Controlled Substance and Alcohol Testing Procedure

A. General Procedure

While at work, each City employee has a responsibility to the public to deliver services in a safe, efficient, and conscientious manner. In order to perform a job in the safest manner possible, City employees must be able to work in a drug free environment and themselves be free from the effects of alcohol and other job impairing substances while on the job. Accordingly, while on the job or in a City vehicle, the use, sale, distribution, possession, or being under the influence of an intoxicating liquor, controlled substance, drug not medically authorized, or any other substance that impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees, is strictly prohibited and may result in suspension or termination. Furthermore, the City is obligated to comply with the Department of Transportation (DOT) regulations relating to controlled substances and alcohol use. The City will ensure that the controlled substances and alcohol testing conducted conforms to DOT workplace testing requirements.

To that end, a medical examination for prospective employees for the City of Seward shall include a substance abuse screen. Substances of abuse to be tested for include, but shall not be limited to, amphetamines, barbiturates, benzodiazepines, cocaine, methadone, opiates, phencyclidine (PCP), propoxyphene, and marijuana. A prospective employee is defined as any employee who might be considered for employment by the City whether they are permanent full-time, permanent part-time and any seasonal, part-time or summer employees that operate equipment or vehicles. Equipment includes but is not limited to lawnmowers, chainsaws, weed whips and other potentially hazardous equipment. Any offer of employment shall be contingent upon a negative substance abuse test result. Any preliminary employment arrangement shall be immediately terminated if the result is positive.

Additionally, employees can be asked to submit to a test if cause exists to indicate that their health or ability to perform work might be impaired. Factors that could establish cause include, but are not limited to:

- 1) Sudden changes in work performance;
- 2) Repeated failure to follow instructions or operating procedures;
- 3) Violation of City safety policies;
- 4) Involvement in an accident or near-accident;
- 5) Discovery or presence of illegal or suspicious substances or materials in an employee's possession or near the employee's workplace;
- 6) Odor of alcohol and/or residual odor peculiar to some clinical or controlled substances;
- 7) Unexplained and/or frequent absenteeism;
- 8) Personality changes or disorientation; and
- 9) Arrest or conviction for violation of a criminal drug statute.

Employees may be tested if they are involved in an on-the-job vehicle accident cited for a moving vehicle violation, personal injury, or property accident on the job. Employees are prohibited from using alcohol or controlled substances following such an incident until they have been tested. Any employee who is seriously injured and cannot provide a specimen at the time of the incident must provide the necessary authorization for obtaining hospital records and other

documents that would indicate whether there was alcohol and/or controlled substances in the employee's system.

B. Procedures for Employees with Commercial Driver's License (CDL)

It is the policy of the City of Seward that its commercially-licensed drivers be free from controlled substance use and alcohol misuse. This policy has been adopted as part of the City's required compliance with United States Department of Transportation (DOT) regulations 49 C.F.R. Part 382. Those portions of this policy regarding disciplinary action or related to compliance with Nebraska law are based upon independent authority and are not prescribed by the DOT regulations.

Consequently, the use of illegal drugs by drivers is prohibited and drivers shall not use alcohol to engage in "prohibited conduct" as defined herein. Prohibited conduct is defined as the performance of safety-sensitive functions if under the influence of or impaired by alcohol. In addition to this policy, employees and other persons may be subject to other City policies and governmental regulations relating to alcohol misuse and controlled substance use affecting work activities that are not governed by DOT regulations related to functions performed by commercially-licensed drivers. Any driver who engages in prohibited conduct resulting in positive test result is subject to disciplinary action up to and including termination. Persons determined to have positive alcohol or drug test results will have a right to an impartial internal management review of those determinations when a review is requested. This review must be in accordance with the appeal process outlined in the City's Personnel Handbook with such modification as are necessary to accommodate alcohol and drug testing pursuant to the DOT regulations. Disciplinary action taken against an employee because of such positive alcohol or controlled substances test results is reviewable under the City's Grievance Policy.

1) *Types of Tests:* §382.301-382.311 The City has implemented six circumstances for controlled substances and alcohol tests pursuant to regulations promulgated by the U.S. Department of Transportation (DOT)

a. **§382.301 Pre-Employment testing**—Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the Medical Review Officer (MRO) or Consortium/Third-Party Administrators (C/TPA) indicating a verified negative test result for that driver.

b. **§382.303 Post-Accident Testing**—A driver involved in an accident must contact his or her supervisor as soon as possible following the accident. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers: (1) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (2) who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

- (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 - c. **§382.305 Random Testing**--The City conducts random alcohol and control substance testing for persons it assigns to operate Commercial Motor Vehicles (CMV). The City will administer the City's drug and alcohol testing program through a Third-Party Administrator (TPA), responsible for compliance with DOT regulations. Selections will be at random the City will drug test, at a minimum, 25% of the average number of driver positions in each calendar year. The City will also select, at a minimum 10% of the average number of driver positions for random alcohol testing. Each employee who is notified of selection for random alcohol and/or controlled substances testing will proceed to the test site immediately.
 - d. **§382.307 Reasonable Suspicion Testing**—An employee shall be required to submit to an alcohol test when the employer has reasonable suspicion. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
 - e. **§382.309 Return-to-Duty Testing**—The City will conduct testing in accordance with 49 CFR part 40, subpart O.
 - f. **§382.311 Follow-up Testing**—The City will conduct testing in accordance with 49 CFR part 40, subpart O.
- 2) *Refusal to Test:* **§382.211** Refusal to submit to required alcohol or controlled substance tests described herein will be grounds for refusal to hire driver/applicants and to terminate employment of existing drivers.

C. Provision of Training and Information (§382.601, §382.603)

The City Administrator or their designated representative will develop specific training for drivers and their supervisors. The City shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307-Reasonable Suspicion Testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

The City shall provide educational materials to each driver prior to the start of alcohol and controlled substances testing that explain the requirements of the DOT drug and controlled substances testing regulations and the City's policies for compliance. DOT regulations require each driver to sign a statement certifying receipt of these materials.

D. Substance Abuse Professionals and the Return-to-Duty Process (§40.287)

Each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation, must be provided a listing of Substance Abuse Professionals (SAPs) readily available to the employee and acceptable to the employer, with names, addresses, and telephone numbers. If the driver desires to become re-qualified, the driver must be evaluated by a SAP and submit to any treatment prescribed by the SAP following evaluation and treatment, if any, in order to become re-qualified, the driver must submit to and successfully complete a return-to-duty drug and/or alcohol test.

Such driver is also subject to follow-up testing. Follow-up testing is separate from and in addition to the City's reasonable cause, post-accident, and random testing procedures. Follow-up testing will be on a random basis and be in accordance with the instructions of the Substance Abuse Professional. **§40.307** No fewer than six unannounced follow-up tests will be performed in the first 12 months of safety-sensitive duty following the employee's return. Follow-up testing may continue for a period of up to 60 months following the driver's return to duty. The City does not guarantee or promise a position to the driver should he or she regain qualified status.

2.9.4 Use of City-Owned Vehicles

Department Heads and other employees, as designated by the Department Head, shall be allowed to use City-owned vehicles during on-duty hours. In certain instances, the City Administrator may permit employees to take City-owned vehicles home for the evening or to overnight trainings, conferences, seminars. Such vehicles shall not be used for other than official City business. Non-City employees – consultants, contractors, and other government officials - will be allowed to ride in City-owned vehicles for City related business, meetings, or conferences with the approval of the City Administrator or Department Head. In addition, both City and non-City employees may participate in the Police Department ride along program with approval of the Chief of Police. Employees using City vehicles will be expected to keep them clean, to schedule regular service checks and shall abide by all federal, state and local traffic regulations.

2.10 Safety

Employees shall observe prudent safety precautions at all times. Department Heads shall train their personnel to work safely. Each employee shall know what to do in case of fire or other disaster as well as the location and use of first aid supplies. Safety precautions include the observance of traffic regulations when driving or operating City vehicles and equipment.

1) Equipment

- A. *Safety Belts* - All employees shall wear safety belts (shoulder and/or lap), when driving, operating or riding in City vehicles and equipment.
- B. *Hard Hats* - All employees shall wear hard hats, as supplied by the City, whenever working in an environment where a blow to the head could occur. Specifically, City employees shall wear hard hats in the following activities:
 - i) When cutting, trimming and/or loading trees, shrubs and overgrowth;
 - ii) When working in or around an area involving concrete removal;
 - iii) When working in or around an area where a backhoe or loader is to be used on the project;
 - iv) When working in or around an area where others are working overhead. For example, when working in a trench or pit or when working in or around scaffolding or buildings under construction or repair;
 - v) When working in a bucket truck or digger derrick and when working as a groundman for employee in a bucket truck;
 - vi) When working with underground electrical work.
- C. *Worksite Access* – Persons, including contractors or consultants, authorized by a Department Head or worksite foreman shall observe all safety and hard hat requirements at all work and construction sites.
- D. *Safety Vests* – Reflective vests, as provided by the City, shall be worn by all City employees working on construction, repair or a maintenance project on a public street or similar work site.

2) Violations of Safety Rules

Violations of safety rules as set forth herein, as well as violations of internal departmental safety rules or the employee safety manual, shall not be tolerated. Any employee found in violation of safety rules will result in disciplinary action, up to and including termination of employment.

The City employee in charge at the site of any project shall be deemed responsible for all employees working at the site. Said employee shall be equally subject to disciplinary action if the employee has willingly allowed safety violations to exist.

3) Reporting of Accidents and Injuries

Employees shall report all accidents and injuries to their Department Head as soon as possible after the incident. Injuries of a minor, first aid nature may be treated at the job site or department office. If the injury requires medical attention, the employee may consult his family doctor or the EMC OnCall Nurse line. Rescue Squad services shall be used to transport employees to a hospital if the accident or injury results in incapacitation of the employee. Employees who have an accident with a City-owned vehicle shall first notify a law enforcement agency and then the Department Head. This shall be done regardless of how minor the accident. Within twenty-four (24) hours of the incident, the affected employee and Department Head shall file an accident-injury report at City Hall for insurance and Safety Committee review purposes. In addition, the Department Head shall ensure that the City's insurance carrier is notified of the accident/injury if a claim may be filed. These same conditions apply when employees are operating privately owned vehicles while conducting City business.

2.11 Personnel Records

The Human Resource Director shall maintain records on each employee to include pertinent personal data such as name, address, telephone number, title of position held, the department to which assigned, current salary and changes in employment status. Additional information deemed important shall also be included, such as reports of attendance, conformance to expected standards, and other reports of performance evaluation. Employee personnel files are the property of the City. Employees have the right to inspect their personnel file at any time during business hours in coordination with the Human Resource Director. All personnel file inspections will take place in city offices in the presence of a representative designated by the Human Resource Director. The employee cannot remove any personnel files from the City offices but can make handwritten notes to record information included in their personnel files. Copies of the documents can be provided to the employee within four business days after a request has been made. The City reserves the right to charge the employee a reasonable fee to cover the copying costs.

Employees shall report to the Human Resource Director any changes of name resulting from a change in marital status, and any change of dependents. Also, to be reported are any changes in address, telephone number or information which will impact the personnel record of the employee. This information is required for insurance and tax purposes.

2.12 Peddling, solicitation, etc.

In order to avoid disruption to City services and operation, the City has established the following criteria related to solicitations and distribution of literature on City property:

- a. Non-employees may not solicit or distribute literature on City property at any time for any purpose;
- b. Employees may not distribute literature during working time for any purpose; and
- c. Employees may not distribute literature at any time in working areas.

Working time includes the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting or disrupting is being directed. Working time does not include break periods, meal periods, or any other specified periods

during the workday when employees are properly not engaged in performing their work tasks.

2.13 Conflict of Interest

No employee shall engage in any activity or enterprise which conflicts with their duties as a City employee or with the duties, functions, and responsibilities of the department in which they are employed. The following activities shall be considered a conflict of interest with City employment:

- 1) Any employment, activity or enterprise which involves the use for private gain of the City's time, facilities, equipment or supplies, or the badge, uniform, prestige or influence of a City office or employment.
- 2) Involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act in which the employee would be required or expected to render in the regular course of City employment or as part of their duties as a City employee.
- 3) Involves the performance of an act in other than their capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which they are employed.
- 4) Involves so much of the employee's time that it impairs their attendance or efficiency in the performance of their duties as a City employee.

2.14 Gratuities

No employee of the City of Seward shall accept any fee, reward, gift or gratuity that has any connection with said employee's municipal employment or from the performance of an employee's official duties. This acceptance limitation of any gift or gratuity shall not apply in those instances where a departmental gift or gratuity of nominal value is given by some individual or organization. The policy is intended, however, to discourage all gifts and gratuities which may be offered any employee or group of employees. Each employee should decline acceptance of such gifts or gratuities in the most courteous manner possible.

2.15 Sexual Harassment Policy.

The City of Seward expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination as well as any behavior that would be inconsistent with the spirit and intent of this policy. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated. This policy sets forth procedures by which allegations of sexual harassment may be filed, promptly addressed (and investigated if necessary), and appropriate action taken if warranted.

The City of Seward prohibits unlawful sexual harassment. Sexual harassment is unlawful when it: (1) is based on the individual's sex; (2) is unwelcome; (3) is severe or pervasive in nature; and (4) is made a condition of employment, unreasonable interferes with an individual's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

It is not possible to define every action or word that could be interpreted as sexual harassment. Sexual harassment may encompass a wide range of verbal, physical and/or visual behaviors. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute unlawful sexual harassment, it may still be inappropriate in our workplace and subject to disciplinary action.

Examples of behaviors that might constitute sexual harassment (depending on the circumstances) and are the types of behaviors in which an employee should not engage include, but are not limited to:

- 1) Unwelcome sexual advances;

- 2) Verbal harassment or abuse;
- 3) Subtle pressure or requests for sexual activity;
- 4) Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another employee's body;
- 5) Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status;
- 6) Requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment status;
- 7) Sexually explicit language, gestures, pictures, jokes or objects; or
- 8) Distribution of representations or descriptions of actual or simulated sexual acts, representations or descriptions of excretory functions, masturbation, or lewd exhibition of the genitals in hard copy, email, cell phone cameras, IMS, texts or in any other manner.

In addition, this policy prohibits retaliation against any employee because he/she files a complaint under this policy, cooperates with any internal investigation, or otherwise pursues their legal rights.

Complaint Procedure: Any employee who feels in good faith that they have been subjected to sexual harassment has several ways to make their concerns known.

- 1) Aggrieved persons who feel comfortable doing so should directly inform the person engaging in sexual harassing conduct or communication that such conduct or communication is offensive and must stop.
- 2) If an aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending party has been unavailing, the aggrieved employee shall contact his or her supervisor or the offending party's supervisor.
- 3) Aggrieved employees alleging either sexual harassment by anyone with supervisory authority or the failure of a supervisor to take immediate action on the employee's complaint should communicate with the supervisor at the next level of command or file a grievance in accordance with the provisions of the appropriate grievance procedure.

Regardless of the means selected for resolving the problem, the City will take every reasonable measure to address (and investigate if necessary) the situation and take appropriate action if warranted. Employees filing a complaint will not be subjected to retaliation for bringing such matters to the City's attention in good faith. All concerns will be handled with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

2.16 No Discrimination or Harassment Policy and Complaint Procedure

The City of Seward expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination as well as any behavior that would be inconsistent with the spirit and intent of this policy. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

Harassment of City employees by anyone, whether management/supervisory personnel, co-workers, or others on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identify--nonsexual in nature, sexual harassment is covered by a separate policy), national origin, age, disability, marital status, military status, genetic information or any other prohibited basis of discrimination protected by law, will not be tolerated. Such conduct will result in immediate disciplinary action, including possible termination of employment.

Harassment is unlawful when it: (1) is based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law; (2) is unwelcome; (3) is severe or pervasive in nature; and (4) is made a condition of

employment, unreasonably interferes with an individual's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

It is not possible to define every action or word that could be interpreted as harassment. Harassment may encompass a wide range of verbal, physical and/or visual behaviors. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute unlawful harassment, it may still be inappropriate in our workplace and subject to disciplinary action.

- 1) Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, because of an individual's race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law. This includes acts that purport to be "jokes" or "pranks" but that are hostile or demeaning with regard to any protected characteristic.
- 2) Written or graphic material that denigrates or show hostility or aversion toward an individual or group because of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

It is the responsibility of management personnel to maintain a working environment free of harassment on any of these bases and to make known to employees the policy of the City on such harassment. In addition, management is expected to take immediate action to deal promptly with known situations involving such harassment.

In addition, this policy prohibits retaliation against any employee because they file a complaint under this policy, cooperates with any internal investigation, or otherwise pursues their legal rights.

It is the employee's responsibility to report all incidents or perceived incidents of such harassment, pursuant to the following complaint procedure:

Complaint Procedure: Any employee who feels he or she has been subjected to harassment has several ways to make his or her concerns known.

- 1) Aggrieved persons who feel comfortable doing so should directly inform the person engaging in harassing conduct or communication that such conduct or communication is offensive and must stop.
- 2) If an aggrieved person does not wish to communicate directly with the person whose conduct or communication with the offending party has been unavailing, the aggrieved employee shall contact his/her supervisor or the offending party's supervisor.
- 3) Aggrieved employees alleging either harassment by anyone with supervisory authority or the failure of a supervisor to take action on the employee's complaint should communicate with the supervisor at the next level of command or file a grievance in accordance with the provisions of the appropriate grievance procedure.

Regardless of the means selected for resolving the problem, the City will take every reasonable measure to address (and investigate if necessary) the situation and take appropriate action if warranted. Employees filing a complaint will not be subjected to retaliation for bringing such matters to the City's attention in good faith. All concerns will be handled with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

2.17 Workplace Violence

The City takes the safety of its employees very seriously. As a result, the City will not tolerate any acts or threats of violence by any employee or former employee. The City

prohibits any acts or threats of violence against its employees, customers, or visitors by any individual on the City's premises at any time or while such individual is engaged in business with or on behalf of the City, on or off the City's premises. The City considers violence to include such things as physically harming, shoving, pushing, harassing, intimidating, or coercing another person. In addition, threatening, discussion of, describing, or joking about violence is considered violence as well.

In keeping with the spirit and intent of this policy, and to ensure the City's objectives in this regard, the City is committed to the following:

- 1) Providing a safe and healthful work environment;
- 2) Taking prompt remedial action up to and including immediate termination against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive or threatening language or gestures;
- 3) Taking appropriate action when dealing with customers, former employees, or visitors to the City's facilities who engage in such behavior. Such action may include notifying police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law; and
- 4) Prohibiting employees from possessing or carrying any firearms or other weapons, while on the City's property or while performing work as a City employee. For purposes of this policy, weapons include guns, knives, explosives, and other potential weapons.

In furtherance of this policy, employees have a role in preventing violence as well. If an employee believes a co-worker, former employee, customer, or visitor may become violent or they know of a violation of this policy, the employee must immediately report this to their supervisors. This would include, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence, to the maximum possible extent. The City prohibits any form of retaliation against any employee for making a report in good faith under this policy.

SECTION 3: COMPENSATION OF EMPLOYEES

3.1 Pay Plan Structure

Within the limitations of its financial position, it is the policy of the City of Seward to maintain a Pay Plan which promotes the recruitment and retention of competent employees, through fair and equitable wages. It is the City's policy to maintain a salary program which provides peak motivation to employees by paying salaries which reflect an individual's accomplishments, as long as they remain within the limits of the established ranges for each position.

Each position is established by Ordinance and is classified into a "Pay Range" according to the level of responsibilities assigned the position. For example, a director's position would be expected to have a higher level of responsibilities than a subordinate, thus the pay range will reflect this fact. Each pay range shall be defined by a minimum salary and a maximum salary with seven salary steps in between (nine total steps). Except as affected by Longevity Pay (see Section 3.5), an employee's salary shall not be lower than or higher than the Pay Range for his position.

3.2 Pay Plan Step Placement

All new employees shall be assigned a 'step' within the pay plan structure. It is expected that a new employee will be paid at the minimum wage of the Pay Range (Step 1) for the position for which they were hired. The only exception to this rule would be a new employee who significantly exceeds the minimum requirement of the position, either in education or experience. This employee may, with the recommendation of the Department Head and approval by the City Administrator, receive a salary commensurate with their qualifications within the limits of the Pay Range. In the case of hiring a City Administrator, the terms of the employment contract shall dictate what step they begin with, as approved by the Mayor and City Council.

3.2a Working Out of Classification

When an exempt, salaried employee or employees is/are designated by the City Administrator to act in a higher job classification and performs (or will perform) said duties for more than 80 consecutive work hours, such employee(s) may be compensated at a rate capped at 20% above their current base pay step within their given pay range on a temporary basis. Such designation shall be in instances of absence of a higher classified employee due to prolonged illness, death, military leave, or due to a vacancy in the position. Such designation shall be delivered in writing by the City Administrator and be placed in the employee's permanent file. The City Administrator shall also provide notice of the termination of such designation in writing.

In instances of a prolonged vacancy (exceeding 80 hours) within a department, non-exempt hourly employees may be designated by a Department Head or the City Administrator to assume additional responsibilities for maintaining operations, including duties of a higher job classification. In these instances, additional compensation may be suggested at the discretion of the Department Head or the City Administrator on a temporary basis. Compensation shall be capped at a 10% raise per non-exempt employee that assumes said duties or could be a lesser amount based on the discretion of the Department Head or City Administrator. A designation of employees and percentage raise shall be delivered by the Department Head, if possible, to the City Administrator for consideration. Such designation shall only be used in instances of absence due to prolonged illness, death, military leave, or due to a vacancy in the position. If approved, such designation shall be delivered in writing by the City Administrator and be placed in the employee's permanent file. The City Administrator shall also provide notice of the termination of such designation in writing.

3.3 Pay Plan Maintenance

The City Administrator, with the assistance of the Human Resources Director, may periodically review the pay plan to ensure that that salary levels in the applicable labor markets are properly reflected. The City Administrator shall propose to the Mayor and City Council such pay adjustments as are necessary for the City to remain a competitive and equitable employer and to meet the requirements of the Nebraska Commission of Industrial Relations (NCIR) and State law. Comparability studies such as these may occur each fall and any salary adjustments shall be reflected in the first full pay period following October 1st if approved by the City Council for any or all employees.

The City shall complete a formal Comparability Study of wages and benefits at least once every five (5) years by a recognized expert in the field of job analysis, wage and fringe benefit surveying with familiarity in testifying such matters before the Nebraska Commission of Industrial Relations (NCIR).

3.4 Annual Performance Pay

Compensatory increases shall be awarded annually through a performance evaluation system (See Section 5) and increase in 'step' in the pay-plan structure. Any change in salary will be effective April 1st to employees whose work performance is considered satisfactory or above (defined in Section 5). All new employees must have completed a six-month introductory evaluation period (See Section 1.5) and all employees who have changed positions or been promoted must hold their new position for a minimum of six (6) months with at least satisfactory performance to be eligible for such pay increases. No performance increase will be awarded to an employee who has been demoted, suspended from work that results in disciplinary action, or who has two written reprimands in a 12-month period.

Annual performance increases are determined based on the average score of an employee's previous two semi-annual performance reviews and implemented effective April 1st. Employee performance goal sheets are completed and reviewed with the employee semiannually (October 1st and April 1st). Under the City's performance review system, employees with at least satisfactory performance advance one step on their pay range. For employees at the top of their pay ranges, performance pay for at least satisfactory performance scores will be awarded in the form of a one-time lump sum payment each April (not added to base pay). This payment will be in the amount of 3% of an employee's annual salary—only regular full-time and regular part-time employees will be eligible for this payment. The lump sum payment will have to be re-earned each year. Employees whose lump sum payment would have been in excess of 3% on April 1, 2023, under the prior performance standard before the adoption of the June 21, 2022 amendment to this handbook, shall have their lump sum amount frozen, until their payment is equal to 3% of their current salary or upon termination of the employment relationship.

3.5 Longevity Pay

Each full-time employee, who has completed their introductory period, will, for each year of service to the City, receive three dollars and forty-seven cents (\$3.47) per month if classified as exempt, or two cents (\$0.02) an hour if classified as non-exempt. This pay will be in addition to the established base pay in their respective salary range. Longevity pay will be reflected in the first full pay period in October of each year for anniversaries met during the previous fiscal year (October 1st – September 30th).

3.6 Recording of Work Hours

To ensure that accurate records are kept of the hours actually worked (including overtime hours where applicable), all non-exempt employees are required to record their time daily on the payroll timesheet software provided by the City. Employees must record the time when they begin work and when they complete their day, as well as any time they go off

the clock for lunch, personal appointments or errands, or for any other reason. Note: The system will round time worked to the nearest quarter hour (up or down) depending on the minute of entry. The Finance Director will keep a record of accrued vacation and sick leave hours as well as compensatory time. Copies of these records will be kept on file at City Hall.

3.7 Pay Period Compensation

The standard pay cycle shall be bi-weekly. Payment will be made by direct deposit to the account identified from the employee. Funds will be available on the Friday following the preceding Friday's end of the pay cycle. The City is required by federal law to make certain deductions from employee wages, which include deductions for Social Security and Medicare taxes as well as federal, state, and any local withholding taxes. Additionally, all voluntary deductions authorized in writing will be made as directed by the employee. Voluntary deductions may include the employee's share of the insurance premium.

It is the City's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). If an employee feels an error has been incurred on their paycheck, it should immediately be communicated to the Human Resources Director, who will then promptly investigate the matter. Any discrepancies proved to be true will be rectified during the following pay period.

3.7.1 Incomplete Pay Period

An employee who does not work their regular scheduled work week shall have a percentage of their regular pay deducted from their pay, unless such absence is authorized as leave as hereinafter provided for and is authorized by their Department Head or the appropriate authority. Deductions from pay are permissible for an 'exempt' employee when one or more of the following conditions are present:

- when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- to offset amounts employees receive as jury or witness fees, or for military pay;
- or for unpaid disciplinary suspensions of one or more full days imposed in accordance to workplace disciplinary infractions (see Section 6). Non-exempt employees may also fall under this condition.

3.7.2 Overtime Pay

Overtime (1.5 times the employee's hourly rate) shall be paid to those entitled regular, non-exempt, full-time employees working in excess of the maximum set for their work period. All overtime pay must be pre-approved and documented. Working unauthorized overtime is grounds for disciplinary action, up to and including termination. If an employee is called to return to work to respond to an emergency, they shall be paid the overtime rate no matter how many regular hours they worked that week (benefits will be deducted as if the employee worked a regular shift). An emergency shall include utility service disruptions, snow and ice removal and other situations that are similar in nature which occur outside of normal working hours.

Pool employees are not eligible for overtime pay. The Fair Labor Standards Act, which is the Federal labor law for the application of overtime, minimum wage and Equal Pay Act includes the definition for employees that may be exempted from overtime. Pursuant to the Fair Labor Standards Act (Section 13(a)(1), those classified as Administrative, Executive, Professional or Computer Professional will be exempt from overtime.

3.7.3 Payment of Wages in Advance or in Lieu of Vacation Leave

The City of Seward will not provide any advances on future wages, including accrued vacation leave. The City will also not pay an employee in lieu of vacation leave—the employee is encouraged to utilize the vacation leave which they have accrued.

3.7.4 Termination Pay

An employee who is dismissed, voluntarily resigns, or dies as a current employee shall receive a final payroll payment on the next regularly scheduled payday or within two weeks of the last regularly scheduled payday, whichever date is earlier. This final paycheck will include the payment of any accrued, non-sick leave hours at the rate upon which the employee was terminated. If the employee is separated from the payroll less than one week prior to the next regularly scheduled payday, the final payroll payment for the employee will be made within two weeks of the next regularly scheduled payday. Sick leave payout will be governed by Section 4.2.

3.8 Other Instances of Employee Compensation

Outside of regular hours and overtime, the following situations may necessitate compensation to an employee in the form of payment or leave accrued.

3.8.1 Compensatory Time

In an effort to ensure financial stewardship, the City will utilize compensatory time off in lieu of overtime pay. All compensatory time accrued and used must be approved by the Department Head for subordinates, City Administrator in the case of Department Head, or Mayor in the case of City Administrator.

Overtime hours, if converted to compensatory time, shall be accrued at a rate equal to the adjustment for pay if the overtime hours were paid out (see Section 3.7.2). Compensatory time shall be capped at 60 hours. For employees serving in the national guard or as a reservist, compensatory time can be specifically designated as a supplement to fulfill training requirements at the discretion of the City. If approved, this leave will be in addition to the City's annual military leave (See 4.4.1c) and capped at 120 hours. This leave can **only** be used for military leave purposes and cannot be transferred to an additional compensatory leave balance. Request to use this form of compensatory time accrual must be approved by the City Administrator before use.

On-call hours, when an hourly employee is on standby, can be accrued as compensatory time. Should an hourly employee be called in, call-back time would be eligible for conversion to compensatory time, subject to a request submitted by the Department Head and approved by the City Administrator.

The Golf Shop Manager position is exempt from this regulation, due to the seasonal activities of the golf course. This position shall not accrue more than 480 hours compensatory time in any calendar year, which shall be used prior to April 1 of the following calendar year, unless the City Administrator authorizes an extension of this date.

The accrual of compensatory time by Police Officers, while attaining initial certification, maybe exempt from this regulation with approval of the Chief of Police and City Administrator but cannot exceed 120 accrued hours. Accrued hours attained during this initial certification period shall be used down to 60 hours within 90 calendar days following training completion or will be paid out at the regular rate earned by the employee at the time the employee receives the payment.

Overtime earned when working for another department shall be paid out and charged to the department in which the work was performed. This time cannot be accrued as compensatory time.

The City shall have the option of buying back accrued compensatory time from employees on an annual basis at the City's discretion at the end of the fiscal year. An employee can request accrued compensatory time be paid out at any time during the year. If accrued compensatory time is bought back from the employee or paid out, the compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment. Upon termination of employment, an employee shall be paid for the unused compensatory time at the regular rate earned by the employee at the time the employee receives the payment.

An employee shall be permitted to use compensatory time within a reasonable period if the use does not unduly disrupt the operations of the City.

Exempt employees shall be allowed time off for attendance at official evening meetings or events, weekend meetings or events, and for extra time spent in order to complete special projects, with approval of the City Administrator or appropriate authority, and as long as such time off does not interfere with completion of their duties. Any compensatory accruals will not be paid out upon termination of employment.

3.8.2 On-Call Time/SCADA Monitoring

Employees in the Electric, Water/Wastewater, Street and Public Properties Departments are subject to regular "On-Call" duty. Regular on-call duty consists of a seven-day period, when the employee is responsible for any emergency or trouble call in the respective utility and any regular weekend or holiday duty. Department Heads and employees shall ensure on-call duty during holidays is handled by only one employee during a seven-day period. Compensation for remaining available for the regular seven-day period shall consist of two (2) hours of paid leave, or four (4) hours of paid leave if it occurs during a holiday week, for the seven-day period. If an employee is on regular on-call duty, the two (2) hours or four (4) hours of paid leave will be taken off during the same pay period. If, in the opinion of the Department Head, the workload is such that the employee cannot take the paid leave, the employee will be paid at the regular hourly rate for the two (2) hours earned while "on-call"--such paid leave shall count towards overtime calculations or may be converted to compensatory time off.

Employees in the Electric and Water/Wastewater Departments, who are required to monitor SCADA systems, shall be compensated for such time in the same manner as 'on-call' duty.

All other employees are subject to 'on-call' duty if they are provided written notification of a possible event/emergency by their Department Head. Once written notification has been given, they shall be compensated at 1/4 an hour at their regular rate, or 1/2 an hour at their regular rate if it occurs during a holiday week, for each day during the week they are placed on the on-call duty. Such compensation shall count towards overtime calculations or may be converted to compensatory time off. Employees must always be reachable by telephone, cell phone or other method as agreed to by the City.

During on-call duty, an employee should abstain from consumption of alcohol. It shall be the responsibility of an employee to advise their supervisor if they have consumed alcohol or believes that they have a blood alcohol content of .04 or greater or have taken any other drug. With that information, the supervisor shall have the discretion of what duties that employee is to perform. If the employee has reported to the site, they may be required to submit to an alcohol or controlled substance test when the employer has reasonable suspicion to believe that they are in an intoxicated state. If a previously informed on-call employee reports in a state exceeding the legal limit,

they will be subject to disciplinary action up to and including termination. They may also be subject to legal disciplinary action if they were in operation of a motor vehicle.

3.8.3 Call-Back Time

For all employees called in to work, who are eligible to receive overtime pay, compensation shall consist of a rate not less than one- and one-half times the employees' hourly rate (double time on the City's actual—not observed—holiday), for a minimum of two (2) hours, regardless of the time actually worked. Compensatory time may be eligible for employees called-back, subject to Section 3.8.1.

In the case of a call back to which the employee was informed of the likelihood beforehand, an employee should abstain from consumption of alcohol. In the case of an emergency call-back in which the employee was not notified beforehand, it shall be the responsibility of an employee to advise their supervisor if they have consumed alcohol or believes that they have a blood alcohol content of .04 or greater or have taken any other drug. With that information, the supervisor shall have the discretion of what duties that employee is to perform. If the employee has reported to the site, they may be required to submit to an alcohol or controlled substance test when the employer has reasonable suspicion to believe that they are in an intoxicated state. If an employee reports in a state exceeding the legal limit, they will be subject to disciplinary action up to and including termination. They may also be subject to legal disciplinary action if they were in operation of a motor vehicle.

3.9 Instances of Employee Reimbursement

An employee may be entitled to compensation due from the City in the subsequent instances if they are approved by a Department Head and/or City Administrator. Requests for reimbursement shall use the current form established by the Finance Department and should be submitted as soon as possible after the expense is incurred. **Reimbursement requests in excess of six (6) months may be denied at the discretion of the Department Head and/or City Administrator.**

3.9.1 Uniform/Apparel Replacement

All new full-time employees within the Electric, Public Properties, Street, and Water/Wastewater Departments will be issued an allotment of uniforms/apparel as determined by the Department Head. After initial issue, it will be the employee's obligation to properly maintain or replace uniforms/apparel as needed. Funds for maintenance and replacement of uniforms/apparel will be allotted annually for each qualifying employee—as determined independently by each Department Head and established by the annual budget. Any requests for items exceeding the annual allotment shall be incurred at the cost of the employee. If maintenance or replacement of a uniform/apparel is requested, the item shall first be inspected by the Department Head to ensure it is needed. At the discretion of the Department Head, the replacement/maintenance item shall either be ordered by the City or the employee may order and submit a request to the Department Head for reimbursement. No reimbursement will be made to any employee unless the receipt and item is presented to the Department Head for confirmation of receipt. Any City-reimbursed items should be returned to the City promptly upon termination at the discretion of the Department Head and/or City Administrator.

3.9.2 Lodging, Meals and Incidentals

Subject to prior approval from their Department Head and/or the City Administrator (See Section 5.2), an employee may receive reimbursement for any lodging, meals & incidentals costs up to the current U.S. General Services Administration rates. Any expenditures in excess of the pre-approved rates, may be incurred at the employee's expense at the Department Head's discretion, unless the expenditure(s) were unavoidable given the situation. To be reimbursed for any expenses while on travel status, the employee must have receipts to accompany the claim and the

reimbursement must be approved by the Department Head and/or City Administrator.

Meals may be provided, or eligible for reimbursement, for employees who begin performing emergency service work four (4) hours prior to their normal work day; or for work that continues four (4) hours past their normal work day, as long as the expenditures adhere to the U.S. General Services Administration rates.

3.9.3 Mileage

Subject to prior approval from the Department Head and/or the City Administrator (See Section 5.2), an employee may be reimbursed for mileage incurred in their personal vehicle at the prevailing rate established by the Internal Revenue Service (IRS). This rate includes all travel and storage expenses (parking fees) of the vehicle. Odometer readings and/or documentation will be necessary for mileage reimbursement. To be reimbursed for any expenses while on travel status, the employee must have receipts to accompany the claim and the reimbursement must be approved by the Department Head and/or City Administrator.

3.9.4 Tuition

Subject to prior approval from Department Head and the City Administrator (See Section 5.2), an employee may be reimbursed up to 50% of all eligible costs—including tuition, books, and laboratory fees—for any courses deemed to enhance employee's skills and abilities in their current position. To be reimbursed for any expenses, the employee must provide proof of successful completion of the course and a billing statement. The reimbursement must be reviewed and approved by the Department Head and City Administrator.

3.9.5 Personal Cell Phone

Employees deemed to be subject to 'on-call' or 'call-back' requirements, may be eligible for quarterly reimbursement of cell phone expenditures subject to prior approval from their Department Head and City Administrator. The amount of monthly reimbursement shall be established by the City Administrator.

3.9.6 Permits and Licenses to Operate City vehicles and equipment

Subject to the requirements for the position and the necessary permits and licenses, employees may be eligible for full reimbursement of these costs. The permit/license as well as the reimbursement request shall be presented to the Department Head and/or City Administrator for review and approval. Depending on the cost and nature of the training(s), they may be subject to a signed agreement between the employee and the City. Such an agreement would stipulate terms for employee repayment for training(s) to the City should they leave City service prior to a given period of time.

3.9.7 Eyeglass Program

Subject to adherence to the program requirements, an employee may be eligible for reimbursement up to 50% of the purchase cost of protective eye wear.

3.9.8 Miscellaneous Supplies for Operations

In some instances, an employee may be instructed by a Department Head or the City Administrator to make purchases on behalf of the City for convenience purposes to necessitate service operation. Reimbursement requests will be submitted and approved by a Department Head and/or the City Administrator.

SECTION 4: EMPLOYEE BENEFITS

4.1 Holiday/Annual Personal Leave

City offices shall be closed on the following Holidays, though some employees may be subject to on-call (See 3.8.2) or call-back (See 3.8.3) provisions. Employees not subject to on-call or call-back provisions will have no expectation to perform job related duties on an observed holiday. All employees will be paid their normal rate on the following holidays:

New Year's Day	Martin Luther King, Jr. Day
Memorial Day	Independence Day
Labor Day	Veteran's Day
Thanksgiving Day	Day after Thanksgiving
Christmas Day	
<u>Annual Personal Leave</u> – Thirty-two (32) hours for regular full-time employee Sixteen (16) hours for regular part-time employee	

The following provisions are attached to the management of observed holidays:

1. Calendar - If an observed holiday falls on a Saturday, when offices are normally closed, the holiday shall be observed on the preceding Friday. If an observed holiday falls on a Sunday, when offices are normally closed, the holiday shall be observed on the Monday following.
2. Police Officer compensation – All regular full-time Police Officers, reporting for duty on the observed holiday, will be compensated for holidays on the day of the actual holiday at the overtime rate of time and one-half (**See 3.7.2 'Overtime Pay'**). All non-reporting, regular full-time Police Officers, will observe the holiday in the same manner as all other City employees, with compensation for eight (8) hours at their normal rate.
3. Mayor's holiday declaration - At the Mayor's discretion, City offices may be declared as closed on other recognized holidays and, in those instances, all employees scheduled to work that day will be paid at their normal rate or at the police officer compensation rate as noted above.

4.1.1 Personal Leave Provisions

All regular full- and regular part-time employees (**See 1.1 'Classification of Employees'**), including those in their introductory/evaluation period (**See 1.5 'Introductory/Evaluation Period'**), shall be issued annual personal leave renewed each January 1st.

- Regular full-time employees will acquire thirty-two (32) hours or four (4) days
- Regular part-time employees will acquire sixteen (16) hours or two (2) days

Any Personal leave time not used by December 31st of each year will be carried over to the next year; however, time carried forward from the prior year will be deducted from the thirty-two (32) or sixteen (16) hours acquired on January 1 so that no employee will have more than their cap at any given time. Personal leave must be taken a minimum of fifteen (15) minutes at a time. New employees will be assigned personal leave on a pro-rated basis from their date of hire through December 31st, with a full complement of eligible hours to be assigned in the calendar year. Unused Personal leave—upon resignation, termination or employee death—will be issued in same manner as vacation payout (**See 4.2.3 'Unused Vacation Leave at Termination of Employment'**).

4.2 Vacation Leave (effective 10/1/23)

Employees with the following classifications are considered eligible—introductory, regular full-time, and regular part-time—and will be issued annual leave based on their service time. Each eligible employee shall be entitled to vacation leave per basis of one (1) year successive periods of continuous employment, including any credit received for prior service (see 1.4). A year, for this purpose, shall begin from date of hire and shall constitute 365

days. Vacation leave for an eligible employee shall begin accruing on the day the employee enters service with the City; however, an employee may not use vacation leave until they have satisfactorily completed their introductory period (See 1.5)—at which they will be granted half their annual accrual.

The City Administrator—at their discretion—may determine a newly hired, eligible employee has relevant experience to be translated to ‘years of service’ in vacation accrual. In these instances, for every year of relevant experience determined by the City Administrator, it shall be counted as half a year of service for vacation leave accrual purposes only. For example, an eligible employee has 15 years of relevant experience outside of the City, they would be credited for 7.5 years of service and placed in appropriate vacation accrual category from their first day of employment with the City. This assigned service will not be utilized for recognizing service milestones as indicated in Section 5.4, the employee’s first day with the City (in addition to any credited City service, See 1.4) will govern this program.

Annual Leave for Regular Full-Time Employees	
Years of Service	Yearly Total
During the first five years	80 hours annually
Beginning of sixth year to end of tenth year	120 hours annually
Beginning of eleventh year to end of fifteenth year	144 hours annually
Beginning of sixteenth year to end of twentieth year	160 hours annually
Beginning of twenty-first year to end of twenty-fifth year	184 hours annually
Beginning of twenty-sixth year onwards	192 hours annually

Note: Per the Fair Labor Standards Act (FLSA), no exempt employee's salary will be subject to reduction when the exempt employee is absent for less than a day and has exhausted their vacation, personal and comp time leave benefit.

Annual Leave for Regular Part-Time Employees (20+ hrs/week)	
Years of Service	Yearly Total
During the first five years	40 hours annually
Beginning of fifth year to end of tenth year	60 hours annually
Beginning of eleventh year to end of fifteenth year	72 hours annually
Beginning of sixteenth year to end of twentieth year	80 hours annually
Beginning of twenty-first year to end of twenty-fifth year	92 hours annually
Beginning of twenty-sixth year onwards	96 hours annually

4.2.1 Scheduling of Vacations

Employees shall submit vacation requests for approval as soon as possible in advance of the vacation leave date. Holidays occurring during scheduled vacation leave will be charged as holiday leave. In respect for the continuity of City operations, proposed Vacation leave dates shall be discussed and submitted via the payroll timesheet software to gain official approval from the department head, or the City Administrator (if the employee is a department head), or the Mayor (if the employee is the City Administrator). In rare instances or in extenuating circumstances, the City Administrator may have the discretion to waive the requirement of prior approval.

For those employees who have accumulated at least one hundred sixty (160) hours, no more than eighty (80) hours shall be taken at one time, unless special permission is granted by the Department Head, or the City Administrator (if the employee is a department head), or the Mayor (if the employee is the City Administrator). This requirement is to ensure the continuity of the operation of City services.

4.2.2 Vacation Leave Cap

Employees are encouraged to use all their earned vacation days each year. On their

anniversary date, employees are not eligible to earn any additional vacation once they have reached one and one-half times their annual vacation accrual limit, until they use all or a portion of their earned vacation. One and one-half times the annual vacation accrual limit is equivalent to one and one-half times the maximum number of vacation hours an employee is entitled to earn during a given vacation accrual year, based on the employee's length of service. For example, an employee with eleven (11) years of service may earn up to one hundred forty-four (144) hours of vacation during the vacation accrual year (the employee's annual vacation accrual limit). Thus, this employee will not accrue any additional vacation time until the earned vacation time is used and the number of hours in the employee's "vacation bank" is reduced to below two hundred sixteen (216) hours. Any vacation remaining at the end of the anniversary year, up to the cap, will be carried over.

4.2.3 Unused Vacation Leave at Termination of Employment

Employees will not be allowed to use vacation leave, unless approved by the City Administrator, in the final two weeks prior to termination of employment relationship to ensure a successful transition of work responsibilities. Employees who have unused earned vacation leave at the conclusion of their last day of employment—upon resignation, retirement, termination or death—shall be paid for such unused earned vacation leave in their final paycheck at their current rate (base pay + longevity). In the event of employee death, the deceased's personal representative, if such is determined, or the next of kin shall be paid any unused vacation leave and may be subject to a surety bond protecting the City from further claims by the estate.

4.3 Sick Leave—including Leave for Injury

All eligible employees—regular full-time employees and regular part-time employees—shall be provided with paid sick leave for use if incapacitated by illness or injury, if due to contagious disease, the employee's presence at work would jeopardize the health of others, and for medical, dental, optical, or other health care appointments. Those employees will be issued monthly sick leave in the following increments:

- Regular full-time employees will accumulate eight (8) hours monthly or ninety-six (96) hours annually. Max accumulation is nine hundred (900) hours.
- Regular part-time employees will accumulate four (4) hours monthly or forty-eight (48) hours annually. Max accumulation is four hundred fifty (450) hours.

Sick leave for an eligible employee shall begin accruing on the day the employee enters service with the City, with any sick leave for a fraction of a month to be issued on a pro-rated basis. An employee may use any accrued sick leave during their introductory period. Sick leave shall be subject to the following rules:

1. Sick leave may only be used for the situations identified in Section 4.3.1;
2. Sick leave shall not be granted in advance of accrual. Eligible employees may be authorized to use vacation leave, personal leave, compensatory time, or leave without pay (**See 4.5.1 'Voluntary Leave of Absence Without Pay;**) when sick leave is exhausted;
3. Notification of utilization of sick leave shall be made to the Department Head, City Administrator (in case of a Department Head), or Mayor (in case of the City Administrator) on as timely basis as is possible or by the time their normal workday begins. Failure to notify the City of an absence may be grounds for disciplinary action as identified in Section 6—this leave will be deducted from one of the following leave sources, in this order: compensatory time, personal leave, and vacation leave;
4. Approval in advance shall be obtained for non-emergency health care appointments;
5. The City may request and obtain medical certificates or otherwise verify the circumstances surrounding the utilization of sick leave, the abuse of which may be grounds for disciplinary action as identified in Section 6;
6. The minimum period of sick leave shall be no less than a 15-minute increment;

7. Sick leave may be used by an introductory employee during the introductory/evaluation period, but only if it has been accrued. If an introductory employee has no accumulated sick leave and is absent due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from their allocated personal leave. At the exhaustion of personal leave and at the discretion of the City Administrator, a regular employee may request and be granted an advance of sick leave—up to a maximum of 48 sick leave hours for full-time employees or up to a maximum of 24 sick leave hours for eligible part-time employees—or may request a voluntary leave of absence without pay;
8. If an eligible employee has exhausted accrued sick leave and is absent due to illness or for any other reason for which sick leave is allowed, leave will be deducted in the following order: compensatory time, personal leave, and vacation leave. If all sources of leaves are exhausted, an employee may request leave through the 'voluntary leave transfer program' (See **4.3.3**).

4.3.1 Eligible Uses of Sick Leave

Employees may use earned sick leave for personal needs or the needs of immediate family—spouse, domestic partner, children, grandchildren, grandparents, parents, and others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee. Reasons for sick leave include, but are not limited to, medical, dental, or optical examinations and care (including preventative care) for the employee or immediate family; treatment of a mental or physical illness, injury or health condition; care for an immediate family member with a mental or physical illness, injury or health condition; maternity or paternity leave; sickness that renders the employee incapable of performing his/her required job duties; or for exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by the employee's presence on duty. Depending on the seriousness of the injury or illness, the employee may be required to present a doctor's certificate indicating that they are capable of returning to work. Department Heads will have the authority to send employees home if they feel it is necessary for the well-being of all employees. Any employee who does not follow this rule shall be subject to disciplinary actions.

4.3.1a Parental Leave

The City provides maternity or paternity leave to all employees. Employees should notify their Department Head about their intention to take this leave with as much notice as is possible to ensure continuity of operations. The benefits are as follows:

- An employee is eligible to take up to 12 work weeks of unpaid, job-protected leave as per the Family and Medical Leave Act (See Section 4.5.2).
- An employee may enroll in a short-term disability policy that is offered through the City's insurance provider and paid for at the employee's expense.
- An employee may use all previously earned leave, including sick, compensatory, personal, or vacation leave.
- An employee's health insurance will continue during the parental leave period; however, the employee shall be responsible to pay for their portion of the coverage. Arrangements should be made prior to the start of the leave period if any unpaid leave is utilized.

It is requested the employee maintains regular contact with their Department Head to discuss their expected return to service and their return-to-work plan.

4.3.2 Work-Related Injury or Illness Leave

Subject to the Statutes of Nebraska (Section 48-101), all employees of the City who suffer on-the-job accidents or injuries are covered by the Worker's Compensation Act. When on-the-job accidents occur, they must immediately be reported to the Department Head and a call should be made to the EMC nurse, if practical. An Accident Report must

be completed by the employee and turned in to HR within 24 hours of incident. Employees injured on City jobs who are eligible to receive worker's compensation disability payments shall receive the worker's compensation check and the City will provide, in gross wages, the difference between the worker's compensation payment and the amount of the employee's earned wages during a given pay period. The difference in the worker's compensation check payment and the employee's regular base pay shall be prorated against the employee's accumulated sick, holiday, personal, and vacation leaves. Once these have been exhausted, the employee will only be eligible for the worker's compensation payment.

All employees must give their Department Head written notice (at least seven calendar days, if possible) of any non-emergency treatment or surgery for any alleged work-related injuries or illnesses. This notice will ensure that City operations are able to continue as normal.

4.3.3 Voluntary Leave Transfer Program

Under the Voluntary Leave Transfer Program, an employee eligible for leave, as defined by Employee Handbook Section 1.1 'Classification of Employees', may voluntarily transfer leave directly to another eligible employee who has a personal or family medical emergency and who has exhausted their available paid leave (sick, compensatory, personal, vacation). There is no limit on the amount of donated annual leave a recipient may receive from donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency ends and the employee returns to regular work status. The program shall be subject to the following provisions:

1. Eligible Participants: An eligible participant is anyone defined as a regular full-time or regular part-time employee as defined by Section 1.1 of the Employee Handbook.
 - a. Application to Become a Leave Recipient: An employee must complete a Leave Transfer Request Form to be eligible for leave donations. Forms are available in the Human Resources Office at City Hall. Certification regarding the medical emergency from one or more physicians must accompany the Leave Transfer Request Form. The City will contact all departments within ten (10) business days of a request for donated leave. Eligible employees wishing to donate leave to the recipient must complete a Voluntary Leave Transfer Form. Forms are available in the Human Resources Director's Office at City Hall.
2. Eligible Events: A medical emergency is a medical condition of either the employee or the employee's family member, defined under Section 4.3.1 'Eligible Uses of Sick Leave', that is likely to require the employee to be absent from duty for a prolonged period. A prolonged period is absence from duty without available paid leave for at least 24 work hours for a full-time employee or 12 hours for a part-time employee.
 - a. Use of Donated Leave: A leave recipient may use donated leave only for purposes related to the medical emergency for which the leave recipient was approved. A leave recipient must use any accrued annual leave (sick, compensatory, personal, vacation) before using transferred donated leave. Donated leave will be utilized by the recipient the order it was donated. Leave transferred to a leave recipient may NOT be:
 - transferred to another recipient from the original recipient; or
 - included in a benefits payout should the employee terminate employment (including death)
3. Eligible Transferrable Paid Leave: Available transferrable paid leave includes an employee's sick leave (only if donating employee has reached a threshold of 480 hours accrued), compensatory, personal, safety, and vacation leave balance up to the date of the transfer. Leave shall be deducted from the donor's current

bank upon donation and shall be accounted for and maintained by the Human Resource and Finance Departments until used or returned to the donor.

- a. Limitations on Leave Donations: An employee may donate not more than one-half of the amount of annual sick or vacation leave they would accrue during the leave year. Compensatory, personal and safety hours may be donated in their entirety.
4. Termination of the Eligible Event: An eligible event terminates when one or more of the following occurs:
 - The leave recipient's employment is terminated;
 - The leave recipient provides written notice (doctor's note to return to work) that the eligible event is over; or
 - the leave recipient returns to work at their regular status.
5. Restoration of Unused Donated Leave: Any unused transferred leave remaining to a leave recipient's credit on termination of the medical emergency must be restored to the leave accounts of the donors. Once transferred leave is restored to a leave donor's account, the leave is treated the same as other annual leave in the account and becomes subject to the annual leave cap limitations:
 - Restored unused sick leave causing the donor's balance to go over 900 hours will be lost.
 - Should the return of transferred leave cause a donor to go over the vacation cap amount, the employee will have 30 days to use the amount over the cap limit.

Leave shall be restored back to donors in reverse order of how it was donated, this is to account for its use in the order it was donated in.

4.3.4 Unused Sick Leave at Termination of Employment

Unless an employee meets one of the conditions in the following sentence, all sick leave accumulated by an employee shall not be reimbursed upon termination of the employment relationship with the City. An employee who retires in good standing after reaching the age of 'full retirement' or 'early retirement' as defined by the Social Security Administration; or who resigns in good standing with twenty (20) years of continuous service to the City; or who dies while employed with the City, shall be paid fifty percent (50%) of their accumulated sick leave balance.

4.4 Other Granted Paid Leave:

4.4.1 Administrative Leave:

In limited instances, the City Administrator may grant subordinate employees paid administrative leave, which will not require a leave request. A few of the qualifying instances are described below:

4.4.1a. Court and/or Jury Duty:

To be granted administrative leave for this reason, an employee must present to the HR Director an original summons or court subpoena and at the conclusion of service, a certified statement of the Clerk of Court confirming the start and end date.

- An employee who is required to serve as a juror or as a witness in a federal state, county, police, or municipal court or as a litigant in a case resulting directly from the discharge of the employee's duties shall be granted leave with pay to serve in that capacity.
- An employee involved in court as an expert witness (not related to their duties as an employee) or in a personal case, either as a plaintiff or as a defendant shall not be granted administrative leave with pay. Instead, the employee's absence shall be deducted from their earned compensatory, personal, vacation leave. If all sources of earned leave, an employee may request a voluntary leave of absence without pay as

specified in Section 4.5.1.

- Pay received from the court for such duty shall be given to the City Treasurer. Expense reimbursement shall be kept by the employee.

4.4.1b. Due to Emergency Closure of City offices:

- *During regular City office hours:* When an emergency condition necessitates the closing of a facility, the Mayor and/or City Administrator may make a determination as to whether a cancellation of work and facility closing is necessary. Facility closures may be site specific or City wide depending on the nature of the emergency. Employees may be assigned to other locations for work or be placed in a 'work from home' status. Depending on the nature of the emergency, employees may be required to work during the emergency condition at the direction of the Department Head or City Administrator. Employees will be required to provide their Department Head with a phone number and location where they can be contacted should the emergency condition end and work can be resumed. During the closure of City offices, reporting employees (employees using earned leave are excluded) may be placed on "leave-with-pay" status. Employees who report to work but leave prior to the time the facility is officially closed, or who cannot be contacted to return to work should the facility reopen, will be paid only for actual hours worked. They will be required to either make up the time absent from work or charge such time absent from work to accrued vacation, personal, or compensatory time leave. If a non-exempt employee does not have accrued vacation, personal, or compensatory time leave and is not able to make up that time during the same pay period, their work absence will be treated as unpaid leave.

In addition to their regular pay, employees who are required to work in the elements during an emergency closure (ex: snow removal, police, etc.) shall accrue one (1) compensatory hour for each hour worked during their regular shift. Hours worked subsequent to an employee's regular shift will be subject to normal overtime rules (See Section 3.7.2 'Overtime Pay) or 'call back' (See Section 3.8.3 'Call-Back Time'). Only regular full-time and regular part-time employees shall be placed in a "leave-with-pay" status. During an emergency closure, part-time employees and seasonal employees shall not report to duty and shall not be compensated in any way for time not actually worked.

- *Closure for more than one business day:* In the event an emergency causes a City facility to be closed for two (2) or more days, or in the event of unusual circumstances, pay allowance provisions for all employees shall be determined by the Mayor and/or City Administrator.

4.4.1c. Military Leave:

All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, shall be entitled to a City-paid military leave of absence for not more than one hundred twenty (120) hours each calendar year. An employee shall be entitled to retain both their military pay and the City's military paid leave of absence. If an employee's military service extends past the City's allotted one-hundred twenty (120) hours for a calendar year, the employee may utilize any earned compensatory, personal, or vacation leave and/or will be allowed a leave of absence without pay for the duration of their service. If called to respond to a state of emergency declared by the Governor, an employee will not be eligible for a military leave with pay, but instead, they shall receive their normal

compensation minus the state active duty base pay they receive in active service of the state. When an employee is called into active duty for an extended period, the City shall follow the Uniformed Services Employment and Reemployment Act (USERRA).

The City of Seward complies with the Family and Medical Leave Act (FMLA) as a covered employer and will grant eligible employees up to 26 workweeks of unpaid, job-protected leave in a 12-month period for military caregiver leave. To be eligible for leave under this policy, employees must meet all of the following requirements:

- Have worked for the City for a total of 12 months (can be non-consecutively); and
- Have worked for the City at least 1,250 hours over the twelve (12) months preceding the date the leave would commence. All periods of absence from work due to service in the uniformed services are counted towards this eligibility.

To qualify as FMLA leave under this policy, the leave must be for one or more of the following reasons.

- For a qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active-duty status. Qualifying exigencies for which an employee may take FMLA leave include short notice deployment, making alternative childcare arrangements for a child of the deployed military member, care for the military member's parent, attending certain military ceremonies and briefings, counseling related to the deployment, military member's short-term R&R leave, post deployment activities, or making financial or legal arrangements to address the military member's absence.
- To care for a covered service member, either currently in Armed Forces or an honorably discharged veteran within past five (5) years—spouse, child, next of kin, or parent—with a serious injury or illness.

Section 4.5.2 'Family and Medical Leave Act' provides more information.

4.4.1d Related to Work Operations:

An employee may be granted administrative leave with pay for the following circumstances:

- To compete for positions of employment within the City's hiring process;
- To present grievances or appeals to City officials; or
- In the event of the death of a current City employee, to allow for coworkers to attend the funeral.

4.4.2 Funeral Leave:

A. Due to Immediate Family Member Death: In the event of death of an employee's father, mother, spouse, child (included step or adopted), daughter-in-law, son-in-law, mother-in-law, father-in-law, sister, brother, sister-in-law, brother-in-law, grandparents, grandchildren, or legal dependent, the employee may be allowed leave with pay for reasonable and necessary absence for arrangement and attendance to said funeral. Employee should define their relationship and location of the service on their submitted request to ensure the proper leave is issued—if these details are excluded, the request for leave may be denied. Family members not defined in the preceding sentences will be eligible for leave clarified in Part B.

Leave with pay will be allowed up to the following maximums and will not be deducted from funeral leave as described in Subsection 4.4.2B: twenty-four (24) hours per person and per event for a regular full-time employee and twelve (12) hours for a regular part-time employee. If more than the maximum time is

requested and approved, it will be deducted from an employee's earned compensatory, personal, vacation, or sick leave.

- B. To Attend a Funeral, not eligible for 4.4.2A: For time of travel to attend a funeral in Seward, leave with pay may be granted at a minimum of one (1) and a maximum of four (4) hours. For a funeral outside of Seward, a minimum of one (1) and a maximum of eight (8) hours leave with pay may be granted. The maximum leave with pay allotted to an employee per calendar year is twenty-four (24) hours for regular full-time employees and twelve (12) hours for regular part-time employees. If an employee has expended their allotment for the year, the employee may request use of leave to be deducted from earned compensatory, personal, or vacation leave.

4.5 Instances of Approved Unpaid Leave

The following instances will allow an employee to maintain employment with the City of Seward while on unpaid leave. Unpaid leave will only be allowed if previously approved by the City Administrator in writing.

4.5.1 Voluntary Leave of Absence Without Pay

In limited instances, and only when all sources of leave—compensatory, personal, vacation, or sick leave—or when an employee is not eligible for the Family and Medical Leave Act (FMLA), a request for a voluntary leave of absence without pay will be considered. All requests for unpaid leave must be made in writing and submitted to the Human Resources Director with as much advanced notice as is possible. The written request must describe the reason for the leave, the date on which leave would begin and the date on which the employee expects to return to active employment. Any employee who is granted such a leave shall be limited to a maximum annual leave—based on a floating 12-month calendar—in accordance with their length of service as follows:

Years of Employment	Max Unpaid Leave allowed
0 - 4.99	0 hours
5.0+	160 hours

Leave benefits—including sick, personal and vacation leave—issued to employees by the City shall be reduced proportionately during the leave of absence; however, the employee will still accrue service time in this employment status. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment. Failure to report at the expiration of the leave of absence shall be considered a resignation of position.

4.5.2 Family and Medical Leave (FMLA)

The City of Seward complies with the Family and Medical Leave Act (FMLA) as a covered employer and will grant eligible employees up to 12 workweeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons.

A. Eligibility

To be eligible for FMLA benefits, an employee must:

- Have worked for the City for a total of 12 months (can be non-consecutively); and
- Have worked for the City at least 1,250 hours over the twelve (12) months preceding the date the leave would commence. All periods of absence from work due to service in the uniformed services are counted towards this eligibility.

To qualify as FMLA leave under this policy, the leave must be for one or more of the following reasons.

- The birth of a child or for placement with the employee for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of their job.
- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active-duty status.
- To care for a covered service member with a serious injury or illness.

B. Amount of Leave

An eligible employee can take up to 12 workweeks of FMLA leave during any 12-month period or up to 26 weeks for the FMLA military caregiver leave. The leave will roll backward to the date the leave was requested. Employees may request to take this time consecutively or intermittently—in all cases, the leave cannot exceed 12 workweeks or 26 workweeks for military caregiver leave. Eligible spouses who are both employed by the City may take only a combined total of 12 workweeks of leave for the birth of a child, for adoption or placement of a child in foster care, or to care for a parent (but not a parent ‘in-law’) who has a serious health condition—or 26 weeks to care for an injured or ill servicemember). Leave for birth and care, or placement for adoption or foster care, must conclude with 12 months of the birth or placement.

C. Intermittent Leave or a Reduced Work Schedule

Under some circumstances, employees may take FMLA leave intermittently—taking leave in separate blocks of time for a single qualifying reason/exigency, or on a reduced leave schedule—reducing the employee’s usual weekly or daily work schedule. Any changes to an employee’s normal schedule must first be approved by the Department Head and City Administrator in writing before incorporation. When leave is needed for planned medical treatment, the employee should make a reasonable effort to schedule treatment so as not to unduly disrupt the City’s operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the City’s approval.

D. Employee Notice Requirement

All eligible employees requesting FMLA leave must provide verbal or written notice of the need for leave to the Human Resources Director. When the need for leave is foreseeable, employees are asked to provide 30-days advance notice to take FMLA leave. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. Employees should provide sufficient information for City Administration to reasonably determine whether the FMLA may apply to the leave request.

Within five (5) business days after the employee has provided this notice, the Human Resources Director will complete and provide the employee with a FMLA Designation Notice, Notice of Eligibility and Rights, and may request a medical certification or other supporting documentation as is requested. At this time, the Human Resources Director will indicate how much leave the request qualifies for under the FMLA.

E. Employee Status and Benefits During FMLA Leave

An eligible employee on this unpaid leave will still be considered a City employee and will still continue to accrue their service time. The City will continue an employee’s health insurance coverage during the FMLA leave period at the same level and on the same terms as if the employee was continuously at work. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment. In some instances, the City may recover premiums it paid to maintain health coverage

for an employee who fails to return to work from FMLA leave.

F. Employee Return to Work after FMLA Leave

The City requires employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the City may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave. Upon return from FMLA leave, an employee will be restored to their current position, or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

4.6 Health/Retirement Benefits

The City offers a total compensation plan consisting not only of hourly or salaried pay, but also of substantial employee benefits. The HR Director shall make information available concerning current benefits. Some benefits may be provided only at an employee's expense or eligible to certain employee classifications. Participation in the insurance programs shall be voluntary. The current program will outline any waiting period or pre-existing condition stipulations. **Only regular full-time employees are eligible for the benefits contained in this section.**

4.6.1 Hospital and Medical Insurance

All regular full-time employees shall be offered an opportunity to enroll in health insurance on the first day of employ, which will then take effect in the subsequent month. Dependents of regular full-time employees shall be provided health insurance at the employee's request. The percentages that the City pays and the employee pays will be established during the budget process and employees will be notified of any changes on a yearly basis. Payroll deductions will be made for the employee portion of the premium.

4.6.2 Dental Insurance

The City shall incur the full cost to insure dental insurance for employees. Dependent dental insurance may be purchased through payroll deduction as specified by the employee's enrollment.

4.6.3 Vision Insurance

An employee shall incur full costs for coverage of themselves and their dependents for vision insurance. Enrollment for employee or dependent coverage will result in a payroll deduction.

4.6.4 Life Insurance

The City will offer to pay the costs to insure each eligible employee up to \$25,000. An employee may choose to purchase further coverage for themselves or their family at an additional cost paid solely by the employee. Enrollment for additional coverage will result in a payroll deduction.

4.6.5 Retirement Systems

The City agrees to pay an adopted percentage. Employees will be advised of the percentage and are to have the same percentage deducted from their payroll to be paid into a retirement fund as per contract with the City's Retirement Plan Company. Overtime will not be included in figuring the percentage for regular full-time employees but will be included in figuring the percentage for Police Officers. Retirement for Police Officers will be governed by the City of Seward Police Pension Plan Document, which will be in will be in accordance with Ordinance Number 913. Any full-time employee is allowed to make additional contributions to their own retirement plan or the City of Seward 457 Deferred Comp Plan, in accordance with the Retirement Plan provisions.

SECTION 5: EMPLOYEE DEVELOPMENT

5.1 Employee Orientation

Employees within the regular full-time or regular part-time classification will serve in an introductory period for the first six (6) calendar months of employees (**See Section 1.5 'Introductory/Evaluation Period'**). The purpose of this is to permit the department head to closely observe and evaluate the capabilities and willingness of the new employee. During this time, the City shall encourage and assist the new employee in making a successful adjustment to working for the City.

The Human Resources Director shall be responsible for any orientation related to any salary or wage information as well as the employee personnel handbook. Each department head shall be responsible for facilitating the adjustment of an employee to their work situation by:

- 1) Preparing their workspace to adequately allow for execution of duties.
- 2) Providing clear performance expectations and objectives so the new hire understands what is expected and their responsibilities.
- 3) Discussion of the performance evaluation system and how they will be measured after their introductory period.
- 4) Introduction to members of their department or any other individuals with whom they will be working with regularly.
- 5) Instruction and guidance in learning to perform their job function.
- 6) Frequent discussion regarding the progress in learning and performing the work.
- 7) Discussion of any goals, objectives, or certifications/licenses to achieve in their first performance evaluation period.

5.2 Employee Development

The City Administrator and Human Resources Director, in coordination with department heads shall establish appropriate programs to develop the capacity of employees to render more effective service to the City. Such programs may include formal courses, seminars, workshops, demonstrations, directed readings, special assignments and other activities designed to improve employee knowledge, skill and job effectiveness with due consideration for the personal career objectives of employees and the enhancement of equal employment opportunity. Employee development activities shall be conducted during regular working hours to the extent possible.

5.2.1 Conferences and Education

The City encourages the development of job skills by allowing participation in available conferences, training sessions, and applicable business meetings whenever possible and economically feasible. Attendance of City employees at such meetings should be identified prior to establishment of the annual budget.

- A. **Approval and Arrangements:** Prior approval shall be required from the Mayor or City Administrator and assigned department head for attendance by the elected body or City employees at available conferences, training sessions, and business meetings. Employees shall make appropriate advanced arrangements for transportation, hotel accommodations, and activity attendance—the City will fund or reimburse an employee for such arrangements as are needed. The least expensive practical mode of transportation shall be authorized. If the event is not held in a hotel and would require an overnight stay, attendee shall utilize the U.S. General Services Administration (GSA) to determine the maximum allowable lodging expenditure.
- B. **Authorized Expenditures:** The following expenditures will be authorized at the discretion of the Mayor, City Administrator or department head in regards to previously approved attendance at an employee development opportunity. Please

note, that no request for reimbursement will be issued for any expenses incurred without a valid receipt approved by the Mayor, City Administrator or assigned department head.

- 1) **Registrations:** The City shall pay the registration costs, tuition costs, or fees for an employee to attend required/approved conferences, training sessions and business meetings. All registrations must be made in a timely manner in order to receive any discounts in the fees. Anyone who registers for an employee development opportunity will be required to be in attendance. If, for some reason an employee is not in attendance with no unavoidable reason provided, the City will require reimbursement of all associated fees. Non-attendance with an unavoidable reason provided will be reviewed and approved at the discretion of the Mayor or City Administrator.
- 2) **Travel to Authorized Function:** When automobile transportation is appropriate to attend an engagement out of the area without an overnight stay, use of a City-owned vehicle is the preferred mode. If a City-owned vehicle is not available, the engagement includes an overnight stay, or if the City Administrator authorizes the use of a personal vehicle, the employee shall be at the established U.S. General Services Administration (GSA) rate per mile. Odometer readings shall accompany any mileage reimbursement requests. Employees may also submit a reimbursement request for any parking or storage expenses while on this travel. Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited during travel to and from the authorized event.
- 3) **Per-Diem Meal Reimbursements:** Employees in pre-approved travel status may be eligible for a flat-rate per-diem reimbursement if certain conditions apply:
 - Travel was previously requested and approved by supervisor prior to embark.
 - Breakfast may be reimbursed if the employee enters travel status before 6:30AM or had an overnight stay the night before. A flat rate will be paid based on the location of embark or hotel location of stay.
 - Lunch may be reimbursed if the employee enters travel status before 11:00AM or returns from the previous night's stay at or after 2:00 PM. A flat rate will be paid based on the location of the employee's meal location.
 - Supper may be reimbursed if an employee enters travel status after 5:00 PM or returns from the previous night's stay at or after 7:00 PM. A flat rate will be paid based on the location of the employee's meal location.

Meals will be reimbursed at a flat, established rate per meal instituted by the U.S. General Services Administration (GSA) for the approved employee development or business travel event. This practice shall apply to both in- and out-of-state travel. Attendee shall reference gsa.gov and associated location(s) to determine the expected amount to be reimbursed for qualifying meals. An employee must include or verify the following items for consideration of a meal reimbursement request:

- i. Reimbursement will only be given while the employee was performing services as an employee.

- ii. An employee must include the following information with a reimbursement request:
 1. For Breakfast - Date, Time and location of embark or hotel stay.
 2. For Lunch - Date, time, and location of embark and meal location (City, State).
 3. For Supper - Date, time and location of embark and meal location (City, State).
 4. **An employee must submit documentation confirming their reimbursement request, including details for each requested meal, within five (5) business days from return of travel event for consideration of per-diem reimbursement. NO receipt will be required for submittal.** Requests submitted after this time period may be approved at the discretion of the department head and/or City Administrator.

For ease of City accounting, it is requested the employee use a personal form of payment and submit a request for per-diem reimbursement upon return.

- 4) **Out-Of-State Travel:** Attendance of employee development opportunities within the state of Nebraska is always the preferred option. Should no equivalent opportunity exist locally, a request for approval of out-of-state travel may be considered and approved at the discretion of the Mayor or City Administrator. Such request shall include a copy of any conference brochure, an itemization of anticipated costs, a statement of the purpose of attendance in terms of what the participant hopes to accomplish and how the City will benefit, and a proof that a comparable activity is unavailable in Nebraska or impractical to attend. If air travel is proven to be the more economical option based on time and cost considerations, the employee shall book and will be eligible for reimbursement only for travel in the economy class. Upon completion of the travel, the participant may be requested to prepare a report for the City Administrator assessing the value of the activity and how it may benefit City operations.
- 5) **Hours of Attendance:** Any hours of attendance or travel time to the employee development event over the regularly scheduled work hours as prescribed for that employee, shall be flexed as time-off during the same pay period whenever feasible. If the department head determines that time-off is not feasible, full-time employees will be allowed to accrue these hours as compensatory time or receive overtime pay. Time utilized for social hours, non-business meals, or personal business are not to be included in hours of attendance.

5.2.2 College Credit Reimbursement Policy

The City shall provide financial assistance on a reimbursement basis to a full-time employee, for pre-approved job-related college credit courses. An employee must submit a written request to the City Administrator at the start of each quarter/semester, which specifically explains how the course directly relates to their position and will enhance their job skills/abilities. To receive financial assistance, the employee must provide City Hall with proof of successful completion of the course along with documentation (billing statements/receipts) of course tuition, books or laboratory fees.

The employee will be reimbursed up to fifty percent (50%) of all eligible costs at the determination of the City Administrator.

5.3 Employee Evaluations

The work performance of each regular full-time or regular part-time employee, who has completed their introductory/evaluation period, shall be evaluated on a semi-annual basis, for periods ending September 30th and March 31st. The primary reason for performance evaluations is to identify employee strengths in order to reinforce good habits and identify and develop plans for improvement in deficient aspects. This review also serves to make employees aware of and to document how their job performance compares to the goals and responsibilities of their position. A supervisor shall informally provide day-to-day feedback and counseling outside of the employee evaluation to ensure that expectations are being met to encourage a successful evaluation rating. The City strives in assisting employees in the development and progression of professional abilities to achieve personal, as well as work-related goals; therefore, any goals identified for the coming evaluation period should be formulated with employee development in consideration.

A formal evaluation, on the prescribed form(s), shall be made by the department head or the employee's immediate supervisor. The evaluation shall become official when reviewed and approved, with any necessary modifications, by the City Administrator. Employees shall be shown copies of their performance evaluations for discussion and for acknowledgment by signature. Employee evaluations shall be kept with the employee file when completed. Employees disagreeing with their evaluations may seek adjustments through use of the appeals procedure, as specified in **Section 7.2**.

5.3.1 Performance Evaluation Process

In preparation for an upcoming evaluation period, the following steps should be undertaken to ensure fair and effective evaluations:

1. Prior to the start of the next evaluation period, an immediate supervisor or department head should consult with an employee to establish realistic, specific, and measurable goals which will further employee development and enhance departmental operations.
2. Proposed goals shall be reviewed and approved by the department head, signed by the employee, and forwarded to the City Administrator for review prior to the April 1st or October 1st start of the evaluation period.
3. Supervisor shall provide informal day-to-day consultations about an employee's progress versus stated goals or expectations. Supervisor shall note any observed behaviors, significant incidents, accomplishments, negative performance or disciplinary actions within the six-month evaluation period.
4. Near the conclusion of the current evaluation, immediate supervisor or department head shall take into account observed behaviors and performance and consider evaluation ratings. The supervisor shall schedule a private and uninterrupted meeting with the employee after ratings have been completed.
5. The employee shall be provided a copy of the evaluation prior to the evaluation meeting.
6. The evaluation meeting shall include the following elements:
 - a. A setting where the employee is able to express themselves freely.
 - b. Reinforcement of positive behaviors and discussion of shortcomings.
 - c. Identification of any underlying personal or work-related problems the employee is experiencing which may negatively affect performance.
 - d. Planning of realistic, specific, and measurable goals for the subsequent evaluation period based on evaluation of current progress.

7. Following the evaluation meeting, the employee, department head, and City Administrator will review and sign the document which will become part of the employee’s permanent record.

5.3.2 Effects from Performance Evaluation Rating

As specified in **Section 3.4 ‘Annual Performance Pay’**, an employee must maintain at least a ‘Meets Expectations’ average cumulative rating for both semi-annual evaluations to be eligible to move to the subsequent step. Step advancement, and new rate of pay, will be effective each April 1st. An employee that achieves below a ‘Meets Expectations’ average cumulative rating for both semi-annual evaluation periods shall not be eligible for step advancement, may be subject to a probationary period of performance review as specified by the City Administrator, or may face disciplinary action up to and including termination of employment.

5.4 Employee Awards Program

At the discretion of the Mayor, the City of Seward may provide one recognition dinner each year for the elected body and employees of all classifications. The maximum cost for such dinner shall be established in the budget process and compliant to any Nebraska statutory limitations. Employees shall be recognized for the following service milestones with presentation of a certificate and a gift of appreciation in the following amounts:

Years of Service	Gift Amount	Years of Service	Gift Amount
10	\$ 50.00	15	\$ 75.00
20	\$100.00	25	\$125.00
30	\$150.00	35	\$175.00
40	\$200.00	45	\$225.00
50	\$250.00		

SECTION 6: EMPLOYEE DISCIPLINE AND SEPARATION FROM EMPLOY

6.1 Corrective and Disciplinary Actions

Employees of the City are expected to act in a mature and professional manner while performing services for the City. It should be noted that an employee working for the City is viewed in a public light; therefore, off-duty conduct should also positively espouse the qualities that brings credit to the City. The following section sets forth general guidelines regarding unacceptable conduct in the workplace. However, your employment with the City does not create a contractual relationship, and as an 'at-will' employer the City may terminate an employee's employment regardless of whether unacceptable conduct was engaged or not. Disciplinary procedures for sworn Police Officers shall be governed by the procedures included in the Civil Service Rules & Regulations in accordance with State Law and adopted by the City Council.

It shall be the responsibility of all supervisors to supervise reasonably and impartially, and when necessary, recommend disciplinary procedures upon the personnel assigned to them. A recommendation for disciplinary action shall be lodged with the Human Resources Director, who will then review with the City Administrator to determine the appropriate response to the infraction(s) raised. Depending on the severity of the infraction(s), an employee may be subject to discipline up to and including termination. The following forms of disciplinary action may be considered at the discretion of the City Administrator in coordination with the Human Resources Director: oral reprimand; written reprimand; suspension, with or without pay or demotion to a lower classification; formal notice of unsatisfactory job performance requiring a six-month evaluation period of fitness to continue service; or immediate dismissal from City service. Disciplinary action may affect an employee's request for transfer, promotion within City service, or achieving subsequent steps in the City's pay plan structure. Failure of an employee to report an observed disciplinary matter in an expedient manner may result in the employee receiving discipline up to and including termination. For appeals to disciplinary action, please consult **Section 7** which describes the process.

The following is a list (not all-inclusive) providing examples of unacceptable conduct:

- 1) Failure to observe safety precautions or operating procedures that may or do result in injury, property damage or death. Failure to report to assigned department head anticipated treatment or surgery for a work-related injury.
- 2) Failure to report to work at the appointed time or place; or absence without leave; or taking unauthorized or excessive time for lunch or rest break; or unauthorized early departure from duties with or without proper relief.
- 3) Unauthorized solicitation, or distribution or display of, unauthorized literature during regular work time.
- 4) Conducting excessive personal business on City time, including excessive use of cell phone.
- 5) Discourteous or unprofessional behavior to a member of the public or another City employee.
- 6) Abuse, misuse, neglect, sabotage, or waste of City property.
- 7) Horseplay, loafing, or sleeping while on duty.
- 8) Slander, defamation, backbiting or subversion of other employees, supervisors, managers, or elected officials.
- 9) Use or attempted use of intimidation or coercion to obtain an advantageous result.

- 10) Violation of City policies and procedures, as specified in writing or verbally understood.
- 11) Unauthorized obtaining, use or communicating release of confidential, sensitive, or privileged information.
- 12) Intentional unavailability for, refusal, or inability to maintain physical/mental readiness to work during a call-back event or in the case of a community disaster.
- 13) Abuse of sick leave or other paid leaves.
- 14) Conduct unbecoming of a City employee, tending to be prejudicial to the reputation on the City government, or otherwise contravening the public interest.
- 15) Failure by an employee to assume responsibility or exercise diligence, intelligence and interest in the pursuit of assigned duties either in quality or quantity, or whose performance is below acceptable standards as established in the performance evaluation system.
- 16) Insubordination, including the willful refusal to comply with lawful order of higher authority. The term 'lawful order' shall mean a directive authorized by law, rule, or regulation.
- 17) When required by job description and duties to possess a driver's license or Commercial Driver's License, suspension, revocation of or inability to possess a driver's license, including the inability for the City to obtain automobile insurance of the employee due to infractions.
- 18) When required by job description to obtain or retain required licenses, certifications, or classifications, the inability or failure to do so in the timeline provided in the approved job description.
- 19) Theft of public or private property, or property belonging to the City including misappropriation of any City property.
- 20) Unlawful harassment.
- 21) Consumption, being under the influence of, or possession of non-prescribed drugs or alcohol while on duty. Failure to notify a supervisor of prescription drugs that may impair an employee while on duty.
- 22) Unauthorized or improper use of official authority, including making false statements in connection with any official duties.
- 23) Acceptance of any bribe for performance or non-performance of duties.
- 24) Conviction of a Felony or a Class I Misdemeanor.
- 25) Gambling during regular work hours or on City property.
- 26) Fraud, falsification, or deceit in the conduct of City business or of any City document or record.
- 27) Unauthorized possession or use of firearms or hazardous materials during regular work hours or on City property.
- 28) Work disruption or stoppage, engaging in a strike, work stoppage or slow down, or other forms of job action withholding timely delivery of City services.
- 29) Acts or threats of physical violence directed towards City officials or employees, or any third-party during work hours, duties, or functions. Fighting while on duty.

- 30) A supervisor who knowingly issues an order requiring a subordinate to commit an illegal act and an employee who knowingly obeys an order requiring committal of an illegal act.
- 31) Failure to report an observation of the above notated items of unacceptable conduct to department head and/or Human Resource Director.

6.1.1 Investigative Leave

When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, they may be placed on investigative leave—with or without pay—for the duration of the investigation or proceedings if necessary to protect the public interest. Such suspension action shall require the approval of the Mayor or City Administrator, or appropriate authority and any return to duty shall be under such terms and conditions as may be specified by the Mayor or City Administrator, or appropriate authority.

6.2 Separation from Employment

Employment for non-appointed and non-contracted positions with the City is on an “at will” basis. Employment “at will” means that either the employer or the employee may terminate the employment relationship at any time, with or without cause, and with or without notice. Contracted employees may be removed as per the terms outlined in the employment agreement. Per Nebraska statutory requirements, removal of appointed officers (**found in City Code Chapter 85**) of the City may be recommended by the Mayor with approval of a majority of the City Council present at a regular meeting. Permanent employment or employment for a specific term is neither guaranteed nor promised to any employee.

Employees separating their employment with the City, whether through layoff, dismissal, resignation, or retirement, shall be responsible for returning any City property that they have in their possession. Such property as identification cards, badges, keys, etc., must be returned to the department head or Human Resources Director on the last day of employment. Additionally, an exit interview shall be arranged on the employee's last day of active service. Employees who leave service in good standing may qualify for re-employment as provided in **Section 1.4 ‘Reinstatement of Previous Employees.’**

6.2.1 Reduction in Force (Layoff)

As an ‘at-will’ employer, a non-appointed or non-contracted employee may be laid off because of a reduction in required personnel, reorganization of a department or City Function, a decrease in workload, or a lack of funds. Whenever possible, employees who are to be laid off in one department shall be integrated into another department by transfer. Determinations of department transfer will include the following determinations: length of City service; performance record; acquired certificates and licenses; and knowledge, skills, education, and abilities.

For those employees not covered by State Civil Service laws, the following procedure will be utilized when a layoff is necessary:

- 1) The City Administrator will determine how many employees are to be reduced from the payroll.
- 2) The City Administrator will determine by skill levels, work record and length of service, who are the employees to be reduced.
- 3) The City Administrator will determine those employees who are in critical jobs which are exempted from this procedure. A critical job is defined as one which requires special skills, education, training, or specialized knowledge.
- 4) The City Administrator will review any lay-off determination with the Mayor and City Council prior to issuing formal notice to affected employees.

The City will provide at least two (2) weeks' written notice of a layoff prior to the effective date unless an emergency exists. The written notice shall include the reasons for the action as well as last date of work and benefit coverage information. Within two years following the effective date of the reduction in force, any person terminated solely because of the reduction in force shall be afforded an opportunity for reinstatement to the same position from which the termination occurred or a position below the former position, provided that the person is qualified to perform the duties of the position and such reinstatement would be in the best interest of the City.

6.2.2 Dismissal from Employment

Dismissal of a non-appointed or non-contracted employee may occur if an infraction, or series of infractions, are so grave in nature that continued employment would affect the operational effectiveness of the department. In these instances, the department head shall confer with the City Administrator describing the infraction(s) and the reason(s) for recommendation of dismissal. The recommendation shall be reviewed by the City Administrator after consultation with the Human Resources Director. If it is determined that dismissal should occur, written notice of such determination shall be given to the affected employee and the Human Resource Department for inclusion in the employee's personnel file. The notice shall clarify the infraction(s) committed and the last date of employment as well as the deadline to appeal the action via writing. Please refer to **Section 6.2** for a description for dismissal of appointed employees.

6.2.2a Failure of Six-Month Introductory/Evaluation Period

At any time during the six-month introductory or evaluation period, an employee may be dismissed from the City service or may be reassigned by lateral transfer or demotion if their conduct, quality of work and/or fitness are insufficient to continue in the position. See **Section 1.5.1 'Failure of Introductory or Evaluation Period'** for further information.

6.2.3 Resignation from Employment

All appointed officials as defined by City Code and without a contract, who desire to resign in good standing, shall provide a written resignation to the City Administrator a minimum of forty-five (45) days prior to the effective date of their resignation. Non-appointed employees, without a contract, who desire to resign their position in good standing, shall provide a written resignation to the Human Resources Director at least two (2) weeks prior to the effective date of their resignation. Earlier notification is preferred if possible. Accrued non-sick leave will not be allowed during the final two (2) week time period, except by agreed upon, written conditions between the employee and the Mayor or City Administrator. Compensation for any accrued, eligible leave balances, in accordance with **Section 4.2.3 'Unused Vacation Leave at Termination of Employment'** and **Section 4.3.4 'Unused Sick Leave at Termination of Employment'**, will be issued to the employee with their final paycheck.

6.2.4 Retirement from Employment

An employee is eligible for retirement when they've reached the age of 'full retirement' or 'early retirement' as defined by the Social Security Administration. An employee may continue their employment beyond the full retirement age if they desire and remain capable of performing the mental and physical responsibilities as defined in their associated job description. In these instances, and at the discretion of the City Administrator, employee may be required to undergo appropriate examinations to determine whether they should continue in employ if signs are observed of them not being able to perform the duties required by the position.

An employee who qualifies for retirement will be entitled to their benefits as outlined

in **Section 4.6.5 'Retirement Systems'** as well as payout for any accrued, eligible leaves in accordance with **Section 4.2.3 'Unused Vacation Leave at Termination of Employment'** and **Section 4.3.4 'Unused Sick Leave at Termination of Employment'**.

SECTION 7: EMPLOYEE APPEALS

It is the preferred option for employees to informally take any job-related complaints, evaluation appeals, or questions about disciplinary action to their immediate supervisor for resolution. The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed however, as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination. **Note:** For Police Department employees subject to the Civil Service Act, the appeals procedure for any topics established in the Civil Service Commission Rules & Regulations governs. The following types of appeals fall under this category:

- ***Disciplinary***: The City strives to provide fair and equitable treatment to all employees and to provide a welcoming atmosphere. If an employee feels disciplinary action was unjustly applied or if an employee is experiencing an unwelcome atmosphere, an appeal or complaint can be made.
- ***Performance Evaluation***: By their very nature, performance appraisals are subjective, even though they include objective performance standards. Immediate supervisors and department heads are in the best position to evaluate an employee's work performance and work behavior. For this reason, the Human Resource Director will not attempt to substitute their judgment for the supervisors unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory, or just plain wrong based on verifiable data. If an employee feels they have been incorrectly evaluated, an appeal can be made.
- ***Handbook Interpretation***: The basis of the handbook is to provide a transparent, equitable, and consistent opportunity for all City employees by providing good working conditions, opportunity for advancement, consideration for employee welfare and a basis for understanding the conditions of City employment. If an employee feels an item within the handbook has been handled incorrectly by a department head or City Administration, an appeal can be made.

7.1 Procedure

An employee wishing to file an appeal or complaint, should follow the formalized procedure as identified below:

Step One: If an employee wishes to file an appeal or a complaint, it shall be presented in writing to their department head within five (5) business days from the time of occurrence. The appeal/complaint shall clearly state the basis and the relief requested. The department head will review the complaint with the City Administrator and Human Resource Director. Upon completion of review, the department head shall respond to the employee in writing within five (5) business days after receipt. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint in further detail or to complete an investigation.

Step Two: If an employee still feels the answer is not satisfactory, they may appeal the decision in writing to the Mayor within five (5) business days after receiving the written response from the department head. The Mayor will investigate the complaint within ten (10) business days. The investigative process may include any of the following: a review of the written summary of the employee's statement, a review of the department head and City Administrator's findings, discussions with all witnesses or individuals concerned, and a further investigation by the City's Labor Attorney if necessary. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results and decision based on that investigation. The decision will be final and binding.

2. Consideration of a Resolution Authorizing the Signing of the Annual Certification of Program Compliance Form for the Nebraska Board of Public Roads Classifications and Standards - City Administrator Butcher

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2023) may result in the suspension of Highway Allocation funds until the documents are filed.

RESOLUTION

**SIGNING OF THE
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
2023**

Resolution No. 2023-9

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor Village Board Chairperson of _____
(Check one box) (Print name of municipality)
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this _____ day of _____, 20____ at _____ Nebraska.
(Month)

City Council/Village Board Members

City Council/Village Board Member _____
Moved the adoption of said resolution _____
Member _____ Seconded the Motion
Roll Call: _____ Yes _____ No _____ Abstained _____ Absent
Resolution adopted, signed, and billed as adopted.

Attest:

(Signature of Clerk)

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2023) may result in the suspension of Highway Allocation funds until the documents are filed.

**MUNICIPAL
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
TO
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS
AND STANDARDS
2023**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the City Village of _____
(Check one box) (Print name of municipality)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**

Signature of Mayor Village Board Chairperson (Required)

(Date)

Signature of City Street Superintendent (Optional)

(Date)

Return the completed original signing resolution and annual certification of program compliance by October 31, 2023 to:

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759
Lincoln NE 68509



3. Consideration of Change Orders for the Park Ave - Bradford Street Storm Sewer Improvements Project - City Engineer Oneby
 - A. Approval of a Change Order to a Contract with General Excavating for the Bradford Street Storm Sewer Improvements Project in the Amount of \$40,338.45 (Actual Cost Based on Quantities Installed) and a Time Extension of 10 Days

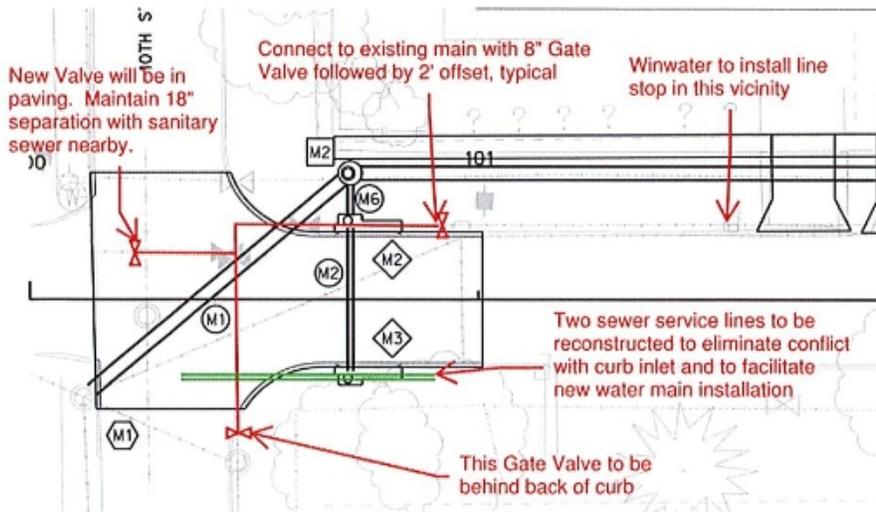
WORK ORDER NO. 1

CONTRACT DATE: _____ DATE: 8/10/23
 CONTRACTOR: General Excavating OWNER: City of Seward

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

Water Changes in Intersection of 10th St. and Bradford St.:

The purpose of this work order is to resolve conflicts of new storm sewer run M1 and inlet M2 with 8" water mains in the area and to provide required 18" separation between the two systems. The 8" main shown below will be lowered by approximately 2' elevation:



Contractor shall provide a new 8" gate valve at connection of each of 3 branches when connecting new main to existing system. Contractor shall provide 2' offset beyond the 3 valves to achieve the desired elevation below storm system. The work will be done under full shutdown of the connecting system for a duration of approximately 12 hours. Contractor shall use rapid setting concrete for required thrust blocks to allow re-energizing the system at end of 12 hour shutdown. Pipe and fittings along with their construction shall conform to City of Lincoln Standard Specifications.

After completing construction of new water main and before putting into service, the contractor shall chlorinate, flush the main, and take samples for bacteria testing per NDEE requirements. It is anticipated the sampling will be done through corporation stops on the 2 branches downstream of the where water is fed.

Two 4" sanitary sewer service lines shall be reconstructed to facilitate construction of new water main and to eliminate conflict with curb inlet M3. Contractor shall cut clay pipe and reconstruct with PVC sewer service pipe with required bends as needed and connection to clay line will be with Fernco rubber couplings or equivalent. Any bypass pumping is subsidiary to this work.

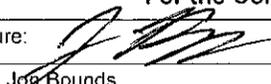
New gate valve for system outside of project:

Per discussion on 8/10/23, the City of Seward would like 1 gate valve installed midway between Bradford Street and Lincoln Street (between Moffit and Roberts) before completing work at 10th St. and Bradford St. noted above. Contractor shall excavate, complete valve installation, and backfill excavation.

The following pay items are anticipated for this work along with contractor's unit pricing. Actual quantities will be measured in the field and any work not provided for below will be added by revising this work order:

Item	Estimated Quantity	Unit Price	Extended Price
Remove Pipe	110 LF	\$ 31.67	\$ 3483.70
Remove Tee	1 EA	\$ 380.08	\$ 380.08
Remove Bend	1 EA	\$ 380.08	\$ 380.08
Remove Valve	3 EA	\$ 380.08	\$ 1140.24
8" Water Main	110 LF	\$ 104.31	\$ 11474.10
8"x8" Tee, MJ*	1 EA	\$ 1682.74	\$ 1682.74
8" - 90° Bend, MJ*	1 EA	\$ 1572.34	\$ 1572.34
8" - 2' Offset, MJ*	3 EA	\$ 2513.57	4 7540.72
8" Gate Valve (At 10 th /Bradford)*	3 EA	\$ 3290.92	\$ 9872.75
8" Gate Valve (Cut In)"	1 EA	\$ 8588.58	\$ 8588.58
8" Solid Sleeve*	4 EA	\$ 1280.25	\$ 5121.00
Reconstruct Sanitary Sewer Service	2 EA	\$ 6794.58	\$ 13589.16
Excavation for Valve Install / Line Stop	2 EA	\$ 1266.91	\$ 2533.82
Chlorinate and Bacteria Test	1 LS	\$ 3050.38	\$ 3050.38

*Thrust blocks and retainer glands are subsidiary

Acceptance of Work Order	
For the Owner	For the Contractor
Signature:	Signature: 
Name:	Name: Jon Bounds
Title:	Title: Project Manager
Date:	Date: 8/11/23

CHANGE ORDER NO.: 1

Owner: City of Seward
 Engineer: The Schemmer Associates
 Contractor: General Excavating
 Project: Bradford Street Storm Sewer Improvements
 Contract Name: NA

Owner's Project No.: 09175.001
 Engineer's Project No.: 09175.001
 Contractor's Project No.:

Date Issued: 8/14/2023

Effective Date of Change Order:
 Upon Full Execution Below

The Contract is modified as follows upon execution of this Change Order:

Description:

Water Main changes at intersection of 10th Street and Bradford Street

Attachments:

Work Order #1

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>944,553.99</u>	Original Contract Times: Substantial Completion: <u>150 days or 7/1/24</u> Ready for final payment: <u>150 days or 8/1/24</u>
Previous Change Orders: \$ <u>0</u>	Increase from previously approved Change Orders: Substantial Completion: <u>NA</u> Ready for final payment: <u>NA</u>
Contract Price prior to this Change Order: \$ <u>944,553.99</u>	Contract Times prior to this Change Order: Substantial Completion: <u>150 days or 7/1/24</u> Ready for final payment: <u>150 days or 8/1/24</u>
Increase this Change Order: \$ <u>70,409.69</u>	Increase this Change Order: Substantial Completion: <u>14 calendar days</u> Ready for final payment: <u>14 calendar days</u>
Contract Price incorporating this Change Order: \$ <u>1,014,963.68</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>164 days or 7/1/24</u> Ready for final payment: <u>164 days or 8/1/24</u>

Recommended by Engineer (if required)

Approved by Contractor:

By: Jonathan Bobbie

Title: Manager, Construction Administration

Date: 8/14/23

Authorized by Owner

Approved by Funding Agency (if applicable)

By: _____

Title: _____

Date: _____

- B. Approval of a Change Order to a Contract with General Excavating for the Park Avenue Storm Sewer Improvements Project in the Amount of \$79,030.03 (Actual Cost Based on Quantities Installed) and a Time Extension of 14 Days

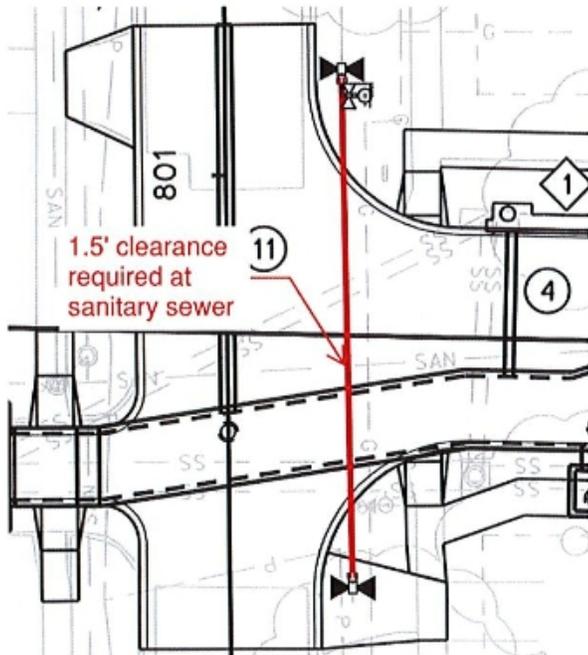
WORK ORDER NO. 1

CONTRACT DATE: _____ DATE: 8/10/23
CONTRACTOR: General Excavating OWNER: City of Seward

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

Water Changes in Intersection of 8th St. and Park Ave.:

The purpose of this work order is to resolve conflicts of new box culvert with 6" water main in the area and to provide required 18" separation between new main and sanitary sewer running along north side of box culvert. The 6" main shown below will be lowered by approximately 5' elevation:



Contractor shall provide a new 6" gate valve at connection of each end when connecting new main to existing system. On the south end, contractor shall provide vertical 45° bends beyond the gate valve to achieve the minimum 1.5' separation between water main and existing sanitary sewer (estimated lowering of water main is 5'). On the north end, contractor shall provide a branch tee for a new hydrant assembly before beginning elevation drop with vertical 45° bends. The work will be done under full shutdown of the connecting system for a duration of approximately 12 hours. Contractor shall use rapid setting concrete for required thrust blocks to allow re-energizing the system at end of 12 hour shutdown. Pipe and fittings along with their construction shall conform to City of Lincoln Standard Specifications.

After completing construction of new water main and before putting into service, the contractor shall chlorinate, flush the main, and take samples for bacteria testing per NDEE requirements. It is anticipated the sampling will be done through the new hydrant at north end of the new main.

New gate valves for system outside of project:

Per discussion on 8/7/23, the City of Seward would like 2 gate valve locations beyond project limits to be replaced before completing work at 8th St. and Park Ave. noted above. Contractor shall excavate, remove manholes needed to access the existing valves, complete valve replacements, and backfill excavation. City of Seward will replace paving and sidewalk after contractor is complete. There are 2 locations for the valve replacements:

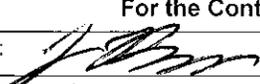
- 8th St. and Moffit St., NE corner
- East side of 8th St., approx. 700' north of Lincoln St.

The following pay items are anticipated for this work along with contractor's unit pricing. Actual quantities will be measured in the field and any work not provided for below will be added by revising this work order:

Item	Estimated Quantity	Unit Price	Extended Price
Remove Pipe	80 LF	\$ 31.67	\$ 2533.60
Remove Tee	1 EA	\$ 380.08	\$ 380.08
Remove Hydrant Assembly	1 EA	\$ 760.15	\$ 760.15
Remove Valve	2 EA	\$ 1266.92	\$ 2533.84
6" Water Main	80 LF	\$ 149.43	\$ 11954.40
6"x6" Tee, MJ*	1 EA	\$ 1548.19	\$ 1548.19
6" - 45° Bend, MJ*	4 EA	\$ 1605.69	\$ 6422.75
6" Gate Valve (At 8 th /Park)*	2 EA	\$ 2865.42	\$ 5730.83
6" Gate Valve (Replacements)*	2 EA	\$ 8450.58	\$ 16901.16
Hydrant Assembly, L=5.5' **	1 EA	\$ 7667.63	\$ 7667.63
6" Solid Sleeve*	4 EA	\$ 1024.65	\$ 4098.60
Chlorinate and Bacteria Test	1 LS	\$ 3050.38	\$ 3050.38
Excavation and Removals for Valve Replacements / Line Stop	3 EA	\$ 1266.91	\$ 3800.75

*Thrust blocks and retainer glands are subsidiary

**Hydrant Assembly includes 1 gate valve and anchor couplings / elbows

Acceptance of Work Order	
For the Owner	For the Contractor
Signature:	Signature: 
Name:	Name: Jon Bounds
Title:	Title: Project Manager
Date:	Date: 8/11/23

The Schemmer Associates Inc.

1044 N. 115th Street, Omaha, Nebraska
Phone - (402) 493-4800 Fax - (402) 493-7951

CHANGE ORDER NO.: 1

Owner: City of Seward
 Engineer: The Schemmer Associates
 Contractor: General Excavating
 Project: Park Avenue Storm Sewer Improvements
 Contract Name: NA

Owner's Project No.: 09176.001
 Engineer's Project No.: 09176.001
 Contractor's Project No.:

Date Issued: 8/14/2023

Effective Date of Change Order:
 Upon Full Execution Below

The Contract is modified as follows upon execution of this Change Order:

Description:

Water Main changes at intersection of 8th Street and Park Avenue.

Attachments:

Work Order #1

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>1,589,696.80</u>	Original Contract Times: Substantial Completion: <u>150 days or 7/1/24</u> Ready for final payment: <u>150 days or 8/1/24</u>
Previous Change Orders: \$ <u>0</u>	Increase from previously approved Change Orders: Substantial Completion: <u>NA</u> Ready for final payment: <u>NA</u>
Contract Price prior to this Change Order: \$ <u>1,589,696.80</u>	Contract Times prior to this Change Order: Substantial Completion: <u>150 days or 7/1/24</u> Ready for final payment: <u>150 days or 8/1/24</u>
Increase this Change Order: \$ <u>67,382.36</u>	Increase this Change Order: Substantial Completion: <u>17 calendar days</u> Ready for final payment: <u>17 calendar days</u>
Contract Price incorporating this Change Order: \$ <u>1,657,079.16</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>167 days or 7/1/24</u> Ready for final payment: <u>167 days or 8/1/24</u>

Recommended by Engineer (if required)

Approved by Contractor:

By: Jonathan Bobbie

Title: Manager, Construction Administration

Date: 8/14/23

Authorized by Owner

Approved by Funding Agency (if applicable)

By: _____

Title: _____

Date: _____

4. Consideration of a Resolution Approving an Agreement with the Nebraska Department of Transportation for Project No. STP-15-2(117), State Highway N-15 Re-Construction - City Engineer Oneby

MUNICIPALITY FINANCIAL AGREEMENT
STATE PROJECTS

STATE OF NEBRASKA, DEPARTMENT OF TRANSPORTATION
CITY OF SEWARD
PROJECT NO. STP-15-2(117)
CONTROL NO. 12080
Project Location – US-34 NORTH & SOUTH, SEWARD

THIS AGREEMENT is between City of Seward, a municipal corporation of the State of Nebraska ("Municipality"), and State of Nebraska, Department of Transportation ("State"), collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, State intends to improve a portion of State Highway HWY N-15 (N-15") at the location as shown on Exhibit "A"; and

WHEREAS, the improvement is located within the designated urban area of Seward Nebraska, and funds administered by State will be made available for the construction of this project; and

WHEREAS, State and Municipality entered into an agreement (NDOT #XL0567), executed by State on 10/11/2005, that is now void and replaced by this Agreement; and

WHEREAS, the City Council has authorized the Mayor to execute this Agreement, as evidenced by the Resolution of City Council dated the _____ day of _____, 2023, attached as Exhibit "E", and incorporated herein by this reference; and

WHEREAS, this Agreement is related to the portion of the project on N-15 located within Municipality's corporate limits; and

WHEREAS, Parties intend that this Agreement describe certain roles and responsibilities applicable to this project; and

WHEREAS, upon State's acceptance of the project, Municipality will be solely responsible for the maintenance, repair and replacement, when necessary, of any curb ramps and drainage facilities along the project, in accordance with Neb. Rev. Stat. § 39-2105 and § 39-1339, including, but not limited to, subsection § 39-1339(4); and

WHEREAS, concerning Municipality's share of the project costs, Federal Regulations provide that Municipality shall not profit or otherwise gain from special assessments that exceed Municipality's share of project costs; and

WHEREAS, the project work within the corporate limits is described below in Section 2.

NOW THEREFORE, in consideration of these facts and the mutual promises of the Parties hereto, the Parties agree as follows:

SECTION 1. DURATION OF THE AGREEMENT

- 1.1 *Effective Date*** - State and Municipality entered into an agreement (NDOT #XL0567), executed by State on 10/11/2005, that is now void and replaced by this Agreement. This Agreement is effective immediately on the date it is fully executed by the Parties.
- 1.2 *Renewal, Extension or Amendment*** - This Agreement may be renewed, extended or amended by mutual agreement or as otherwise provided herein.
- 1.3 *Identifying Date*** - For convenience, this Agreement's identifying date will be the date the State signed the Agreement.
- 1.4 *Duration*** - This Agreement will remain in full force and effect for future responsibilities of Municipality described herein, such as for parking, encroachments and maintenance, unless such responsibilities have been rescinded by State. State will treat the remainder of this Agreement as inactive upon the happening of either (1) the waiver of an audit review, or (2) the final completion of an audit review by the State or its authorized representative and the resolution of all issues identified in the audit report.
- 1.5 *Termination*** - Further, State reserves the right to terminate the Agreement as provided herein.

SECTION 2. DESCRIPTION OF THE WORK WITHIN THE CORPORATE LIMITS

- 2.1** The Parties agree State will develop plans and specifications and cause the project to be constructed at the location shown on Exhibit "A", attached and incorporated herein by this reference, and in accordance with plans and specifications and the provisions of this Agreement. This project will reconstruct 1.09 miles and resurface 0.37 miles of N-15 in Seward, Nebraska, at the location as shown on Exhibit "A", attached and incorporated herein by this reference. The reconstruction segment will start 100' south of the Burlington Northern Santa Fe Railroad crossing at MM 66+23 and extend north to just beyond the intersection of N-15 and North Avenue at MM 67+32. The resurfacing

segment of this project will start at MM 67+32 and extend to MM 67+69, where the existing pavement changes from concrete to asphalt. The improvements on this project consist of:

- In the reconstruction segment, the existing asphalt, concrete and brick pavement, including the curbs, will be removed and replaced with concrete.
- In the resurfacing segment, concrete pavement repairs will be made prior to resurfacing. The existing shoulders will be milled prior to resurfacing.
- Existing surfaced driveways and intersections will be reconstructed and/or resurfaced.
- Existing traffic signals at US-34 will be modified and the traffic signals at Seward St. will be removed and replaced.
- Existing roadway lighting will be removed and replaced. The existing ornamental lighting between South Street and Jackson Avenue will be used in place. The Municipality will remove its roadway lighting poles and hardware along N-15 between Bradford Street and Hillcrest Drive. The State's project contractor will remove the light pole foundations.
- Access to adjacent properties may not be possible during all phases of construction.
- Sidewalks and curb ramps will be updated and replaced.
- Curb inlets and storm sewer will be constructed.
- Pavement will be widened to accommodate a right turn lane at Northern Heights Drive (Seward High School).
- A storm sewer detention pond, located at MM 66+96 to 66+98, will be improved by building a new overflow structure.
- Two drainage pipes near the north end of the project will be lined and erosion measures added.

2.2 Detours:

- State and local detour routes are required and outlined in Section 3.7.

2.3 Utilities

- Relocation of utilities, including water main and sanitary sewer main, will be required due to conflicts with the storm sewer system. Municipality will complete this work prior to the start of State's project.

2.4 Parking Reconstruction:

Municipality and State have agreed that Municipality's share of the cost for parking reconstruction from South Street to Jackson Avenue (1,117 square yards) on N-15 will be a lump sum amount as outline in Section 11.2.

SECTION 3. STATE RESPONSIBILITIES

State shall:

- 3.1 Prepare at its sole discretion, plans and specifications for State's proposed subject project. State will coordinate the development of the plans and specifications with Municipality. State has sole authority to modify the plans or specifications as necessary to complete the proposed improvements.
- 3.2 Acquire all property rights for Right of Way (ROW) for the project that will not be acquired by Municipality.
- 3.3 Advertise and conduct a letting and receive bids on the proposed improvement. State has the sole authority to determine, and award the contract to, the lowest responsible bidder. State shall sign the construction contract.
- 3.4 Supervise and cause completion of the construction of the improvement as shown in the construction contract documents and modifications thereto. State has sole authority to execute any contractor change orders-supplemental agreements required for construction of the project within Municipality's corporate limit. State will notify the Municipality of any contractor change orders-supplemental agreements that increase Municipality's cost.
- 3.5 Reimburse, when applicable, Municipality for the non-betterment relocation of municipally owned utility facilities as provided in SECTION 10. UTILITY RELOCATION WORK.
- 3.6 State will notify Municipality of the Municipal Separate Storm Sewer System ("MS4") components to be constructed as part of the project.
- 3.7 A phased detour plan has been developed as follows:
 - 3.7.1 Phase 1 construction will consist of improvements along N-15 from the Burlington Northern Santa Fe Railroad crossing at MM 66+23 to US-34/Main Street. N-15 highway traffic will be detoured as described in section 3.7.3. The local detour would be provided along Izaak Walton Road, 294th Road, and US-34, as shown

in Exhibit "B", attached and incorporated herein by this reference. The duration of phase 1 detour will be from approximately April 1, 2024, to July 3, 2024.

- 3.7.2 Phase 2 construction will consist of improvements along N-15 from US-34/Main Street to just north of Pinewood Avenue. N-15 southbound highway traffic will be maintained along N-15. Northbound N-15 highway traffic will be detoured as described in section 3.7.3. The detour for local northbound traffic would be provided along US-34, 2nd Street and Pinewood Avenue, as shown in Exhibit "C", attached and incorporated herein by this reference. The duration for phase 2 detour will be from July 8, 2024 to November 2025 (open to traffic July 3rd and 4th, 2025).
 - 3.7.3 During phase 2 of construction, highway traffic north of US-34 would be provided using US-34, Nebraska Highway 79 (N-79), and Nebraska Highway 66 (N-66), as shown in Exhibit "D", attached and incorporated herein by this reference.
 - 3.7.4 Parking restrictions will be in effect within 150' of N-15, and on the local detour route as mentioned in 3.7.2, as needed during construction.
- 3.8 State will be responsible for the signing of the detours.

SECTION 4. MUNICIPALITY RESPONSIBILITIES

Municipality shall, with respect to the portion of the project within its corporate limits, and at no cost to State:

- 4.1 Regulate, to the extent Municipality has authority to do so, all future development and use of property adjoining the public ROW as described in SECTION 6. MUNICIPALITY'S DUTIES AND RIGHTS REGARDING RIGHT OF WAY.
- 4.2 Require that all future entrances from private property to the highway ROW within the limits of this project receive approval of the Director-State Engineer, Department of Transportation or authorized representative, pursuant to Neb. Rev. Stat. § 39-1332 prior to Municipality approval or Municipality issuing a building permit for the site.
- 4.3 Cause the removal of all advertising signs from the existing highway ROW. Municipality also agrees to cause the removal from the existing highway ROW of other privately owned encroachments, facilities, objects, structures, or things, and to keep the existing and new highway ROW free of future encroachments, facilities, objects, structures, or things, except those authorized by permit from Municipality and approved by State and Federal Highway Administration.

- 4.4 Comply with, for project work performed by Municipality, the provisions of the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §§ 48-1101 - 48-1126, and all regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49 CFR, Parts 21 and 27, as set forth in the SECTION 17. TITLE VI NONDISCRIMINATION CLAUSES.
- 4.5 Perform the present and future duties assigned to Municipality under this Agreement at its sole cost except when costs are specifically reimbursable under this Agreement.
- 4.6 Obtain approval of State, with Federal Highway Administration concurrence, prior to making or causing changes in the roadway geometrics, either during project construction or after the project is completed. Changes that require prior approval include but are not limited to: access control, driveways, median breaks, parking restrictions or any other traffic control items.
- 4.7 Amend ordinances, as necessary, to establish pavement or ground elevations shown in the plans when proposed construction involves a change in elevations established by a pre-existing ordinance.
- 4.8 If the Municipality procures consultant services for preliminary engineering and construction engineering for non-betterment rehabilitation of municipally owned and operated utilities by the Municipality, the Municipality agrees to comply with Chapter 4 of the "Nebraska Department of Transportation LPA Guidelines Manual for Federal-Aid Projects".
- 4.9 Upon State's acceptance of the project, Municipality will be solely responsible for the maintenance, repair and replacement, when necessary, of any curb ramps and storm drainage facilities along the project, in accordance with Neb. Rev. Stat. § 39-2105 and § 39-1339, including, but not limited to, subsection § 39-1339(4).
- 4.10 The Parties agree that traffic detours as described in Section 3.7.1 and 3.7.2 and shown on Exhibit "B" and Exhibit "C" of this Agreement are considered local traffic and Municipality will retain maintenance responsibility for the roads used for such purposes.

SECTION 5. CONSTRUCTION SCHEDULE

State will determine the construction schedule for this project.

SECTION 6. MUNICIPALITY'S DUTIES AND RIGHTS REGARDING RIGHT OF WAY

- 6.1 Encroachments: Municipality and State will cooperate to cause the removal of encroachments from public ROW, or correction or alteration in the public ROW, as necessary for the construction of the aforesaid project.

- 6.2 Adjacent Development: Municipality understands that State highway ROW shall be held inviolate for State highway purposes pursuant to Neb. Rev. Stat. § 39-1359, and no physical or functional encroachments, structures, or uses shall be permitted within such right-of-way limits, except by written consent of State. Municipality will regulate, to the fullest extent allowed by law, the private or non-transportation related public development of property adjoining the public ROW, to prevent future encroachment or uses of the public ROW, except by written consent of State. Municipality shall not issue a building permit for an adjacent property which requires work on the State highway right of way unless State has given advanced written approval of the proposed plans.
- 6.3 Special Assessments: Municipality shall not use special assessments to defray Municipality's costs under this Agreement unless Municipality has received, in advance, written consent from State's Right of Way Division Manager.

SECTION 7. ROADWAY LIGHTING SYSTEM

- 7.1 Ownership: The project roadway lighting system is the property of State.
- 7.2 Electrical Energy: Municipality shall, without any cost to State, provide and pay for the electrical energy for all the luminaires of the roadway lighting system which may be constructed as a part of this project, including the electrical energy which may be required during the construction period of the project for lamp stabilization, luminaire adjustment, and system testing. Municipality shall provide electrical energy to maintain a uniform and constant light level for dusk-to-dawn lighting.
- 7.3 Repair and Maintenance Responsibilities: Municipality shall be responsible for the inspection, maintenance, and repair of the roadway lighting system, at Municipality's cost. Municipality's duties shall include, but are not limited to, the following:
- repair or replacement of all defective and burned out lamps;
 - routine cleaning of luminaires; and
 - repair or replacement of any part of the roadway lighting system.
- 7.4 Right to Recoup Costs: Municipality shall be responsible for collecting from the responsible party all Municipality's costs for repairing damage to the lighting system.
- 7.5 Specifications and Standards: Municipality agrees that repair or replacement parts furnished by Municipality in the maintenance or repair of the roadway lighting system shall comply with State specifications and standards.

7.6 Modifications: Municipality shall not make, or allow to be made, modifications to the roadway lighting systems without the written consent of State.

SECTION 8. TRAFFIC SIGNAL EQUIPMENT

- 8.1 Ownership: The project traffic signal system is the property of State.
- 8.2 Operation: State shall have sole authority to determine and control the cycle length, the interval length, sequence, and the hours and manner of the signal operation. No change to these operations shall be made without prior approval by State.
- 8.3 Controller Cabinet: State will be responsible for maintaining the equipment located inside the controller cabinet at its cost and at no cost to Municipality
- 8.4 Electrical Energy: Municipality shall, without any cost to State, pay all cost of electrical power required to properly operate the traffic signal system
- 8.5 Repair and Maintenance Responsibilities:
- 8.5.1 Municipality shall be responsible for the inspection, maintenance, and repair of the entire traffic signal system with the exception of the equipment within the controller cabinet which State agrees to maintain at its cost and at no cost to Municipality.
- 8.5.2 In the event that any part or parts of the traffic signal outside of the control cabinet is damaged by anything, Municipality will repair such damage and restore the traffic signal system to normal operation, at the sole expense of the Municipality, and without any expense to State.
- 8.5.3 Municipality agrees that if it is unable or fails to make repairs in a timely manner after receiving notice of a traffic signal system malfunction, State will make, or cause to be made, all necessary repairs. Municipality agrees to pay all invoices for such repairs within 30 days of receipt of invoice unless Parties agree in writing to another date. Municipality agrees that State may retain any unpaid costs associated with any such repair from any payment due to the Municipality.
- 8.6 Right to Recoup Costs: Municipality shall be responsible for collecting from the responsible party all Municipality's costs for repairing damage to the traffic signal system.
- 8.7 Specifications and Standards Municipality agrees that repair or replacement parts furnished by Municipality in the maintenance or repair of the traffic signal system shall comply with State specifications and standards.

- 8.8 Modifications: If Municipality elects to install different traffic signal equipment or additional devices other than what is currently in operation, Municipality must obtain written approval from State and will solely bear the associated costs.
- 8.9 Removal: If in the future, vehicle or pedestrian traffic volumes at any location is reduced to the extent that a traffic signal is no longer warranted, as specified in the Manual on Uniform Traffic Control Devices for a period of six consecutive months, Municipality agrees to: (1) remove the entire traffic signal system at their own expense by a mutually agreed upon date; and (2) stockpile State's property as requested.

SECTION 9. PERMISSION TO USE STATE RIGHT OF WAY

State hereby grants to Municipality permission to use the State ROW in the vicinity where lighting system will be constructed, for ingress and egress for the purpose of operating, inspecting, repairing and maintaining the roadway lighting system in accordance with this Agreement. Municipality further agrees to comply with SECTION 12. TRAFFIC CONTROL.

SECTION 10. UTILITY RELOCATION WORK

10.1 Overview

The Parties understand that existing Municipality and non-Municipality owned utility facilities may conflict with State's project. State will enter into a separate agreement(s) to establish the roles, duties, and financial responsibilities for the necessary relocation of utility facilities.

10.2 State Highway Right-of-Way

Municipality shall obtain a permit from State for utility relocation work that occupies State Highway ROW.

SECTION 11. MUNICIPALITY'S FINANCIAL RESPONSIBILITIES

- 11.1 State will construct the highway improvements, as described in Section 2.1, at no cost to Municipality. Municipality shall bear its own costs in performing its duties under this Agreement.
- 11.2 Municipality's cost for parking reconstruction, as described in Section 2.2, will be a lump sum amount of \$80,000.
- 11.3 Municipality shall be responsible for 100% of the non-eligible cost and/or betterment cost. Betterment is any upgrading of the facility being relocated that is not attributable to the highway construction and is made solely for the benefit of and at the election of

Municipality and is not required by (a) Federal or State Law, (b) Local codes and regulations, or (c) industry standards or practices accepted by State (see 23 CFR § 645.105). State shall determine what utility work is an eligible cost. State will enter into a separate agreement(s) to establish the roles, duties, and financial responsibilities for the necessary relocation of utility facilities.

- 11.4 Payment by Municipality: Upon award of the construction contract, State will invoice the Municipality for Municipality's cost of parking reconstruction. The Municipality shall pay State within 30 calendar days of receipt of invoice from State.

SECTION 12. PROJECT TEMPORARY TRAFFIC CONTROL

- 12.1 All temporary traffic control devices will conform to the latest approved edition of the Manual on Uniform Traffic Control Devices and Nebraska Supplements thereto.
- 12.2 If Municipality is to perform or contract for any work on the state highway within the project limits, Municipality will develop a traffic control plan related to that work. The plan will be provided to State's Project Manager for review and acceptance. Municipality will provide, operate and maintain Municipality's traffic control devices in accordance with its accepted traffic control plan.
- 12.3 Municipality's work must comply with all traffic safety regulations, including those prescribed in the latest approved edition of the Manual of Uniform Traffic Control Devices and the Nebraska Supplement thereto. Municipality shall use caution when working in State ROW.

SECTION 13. PLANS AND SPECIFICATIONS

The plans and specifications for this project will be on file in the Lincoln central headquarters office of the Nebraska Department of Transportation.

SECTION 14. PROJECT SCHEDULE ADJUSTMENTS AND TERMINATION

- 14.1 The planning, environmental, design and obtaining necessary funding for this project may be a complicated and time-consuming process. Project schedule adjustments should be expected.
- 14.2 State has the sole discretion to adjust the schedule in completing of the work in part or in whole and such action on its part will in no event be deemed a breach of this Agreement by State. State will provide Municipality with updates to the project schedule and, when Municipality is sharing in the project costs or has included additional work with State's

project, State will discuss in detail adjustments made to the project schedule.

- 14.3 State has the sole discretion to terminate this Agreement for any reason, and such action on its part will in no event be deemed a breach of this Agreement by State. State will provide written notification to Municipality of such termination.

SECTION 15. FAIR EMPLOYMENT PRACTICES ACT

Municipality agrees to abide by the Nebraska Fair Employment Practices Act, as provided by Neb. Rev. Stat. § 48-1101 through § 48-1126.

SECTION 16. DISADVANTAGED BUSINESS ENTERPRISES

16.1 Policy: Municipality and State further agree to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement.

16.2 Disadvantaged Business Enterprises Obligation: Municipality and State further agree to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard, Municipality shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. Municipality shall not discriminate on the basis of race, color, sex, age, disability, or national origin in the award and performance of FHWA assisted contracts.

Municipality acting as a sub-recipient of Federal-aid funds on this project agrees to adopt the Nebraska Disadvantaged Business Enterprise Unified Certification Program for the Federal-aid contracts Municipality executes on this project.

Failure of Municipality to carry out the requirements set forth above on any work performed by Municipality shall constitute breach of contract and, after the notification of the FHWA, may result in termination of the Agreement or contract by State or such remedy as State deems appropriate.

SECTION 17. TITLE VI NONDISCRIMINATION CLAUSES

During the performance of this Agreement, the Municipality, for itself, its assignees and successors in interest agrees as follows:

- 17.1 Compliance with Regulations:** The Municipality shall comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Parts 21 and 27, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- 17.2 Nondiscrimination:** The Municipality, with regard to the work performed by it after award and prior to completion of the contract work, shall not discriminate on the basis of race, color, sex, age, religion, disability or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Municipality shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "A," "B," and "C" of Part 21 of the Regulations.
- 17.3 Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the Municipality for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the Municipality of the Municipality's obligations under this Agreement and the Regulations relative to nondiscrimination on the basis of race, color, sex, age, religion, disability or national origin.
- 17.4 Information and Reports:** The Municipality shall provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by State or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Municipality shall so certify to State, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

17.5 Sanctions for Noncompliance: In the event of the Municipality's noncompliance with the nondiscrimination provisions of this Agreement, State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including but not limited to:

- (a) Withholding of payments to the Municipality under this Agreement until the Municipality complies, and/or
- (b) Cancellation, termination or suspension of this Agreement, in whole or in part.

17.6 Incorporation of Provisions: The Municipality shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Municipality shall take such action with respect to any subcontract or procurement as State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Municipality may request State to enter into such litigation to protect the interests of State, and in addition, the Municipality may request the United States to enter into such litigation to protect the interests of the United States.

SECTION 18. SEVERABILITY

In the event any provision of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provisions, terms, conditions, or covenant shall not be construed by the other party as a waiver or a subsequent breach of the same by the other party.

SECTION 19. COMPLETENESS

This Agreement is the complete and exclusive statement of the arrangement between the parties, and supersedes all proposals, oral or written, and all other communications between the parties relating to the subject matter thereof. It may be amended from time to time in writing by the mutual consent of the Parties hereto.

IN WITNESS WHEREOF, the Parties hereby execute this Agreement pursuant to lawful authority as of the date signed by each party.

EXECUTED by Municipality this _____ day of _____, 2023.

WITNESS:

CITY OF SEWARD

City Clerk

Mayor

EXECUTED by State this _____ day of _____, 2023.

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION
Mick Syslo, P.E.

Roadway Design Engineer

RECOMMENDED:
Tom Goodbarn, P.E.

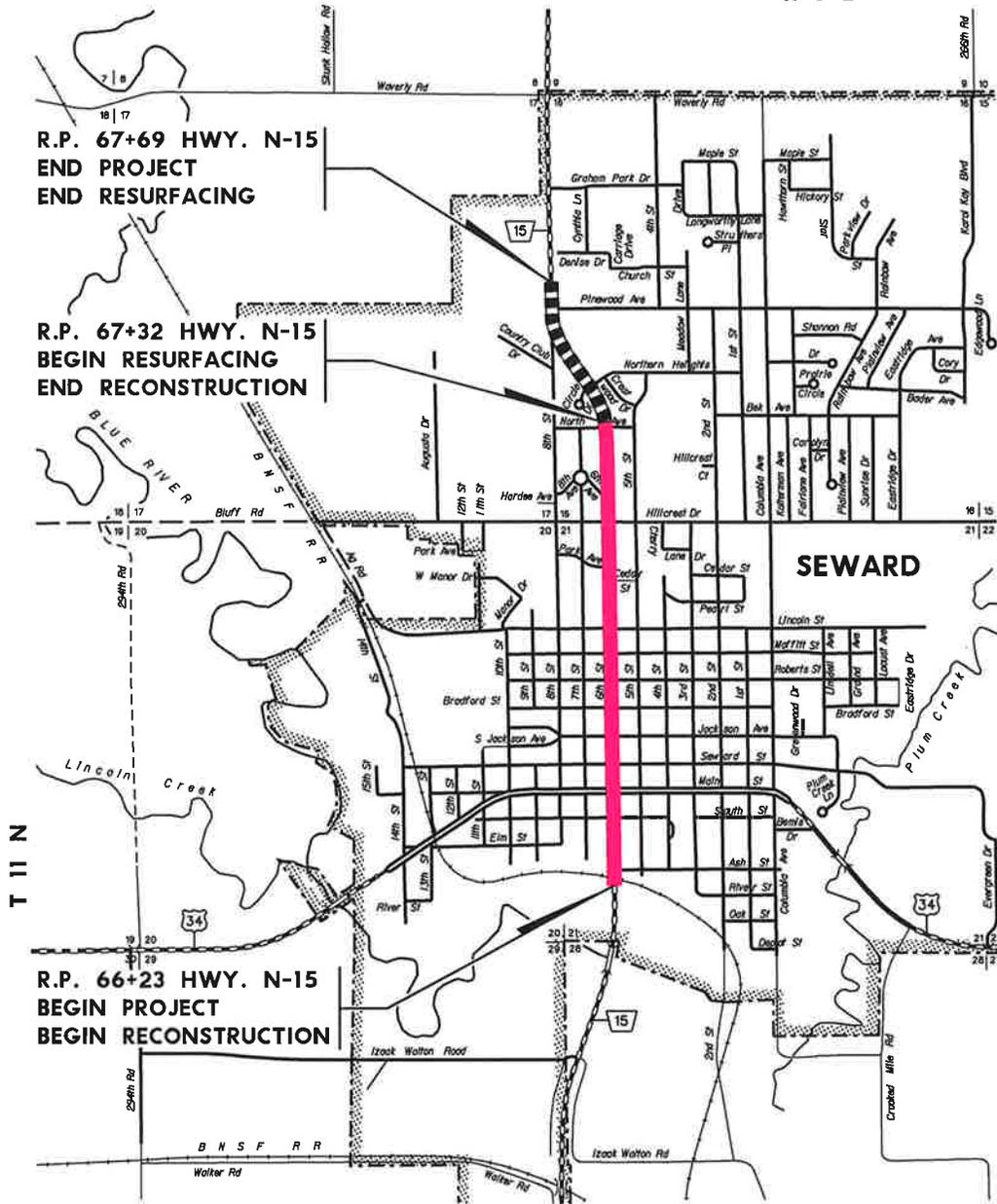


District 1 Engineer Date

US-34 NORTH & SOUTH, SEWARD

SEWARD COUNTY
NEBRASKA

R 3 E



R.P. 67+69 HWY. N-15
END PROJECT
END RESURFACING

R.P. 67+32 HWY. N-15
BEGIN RESURFACING
END RECONSTRUCTION

R.P. 66+23 HWY. N-15
BEGIN PROJECT
BEGIN RECONSTRUCTION

 PROJECT RECONSTRUCTION
 PROJECT RESURFACING

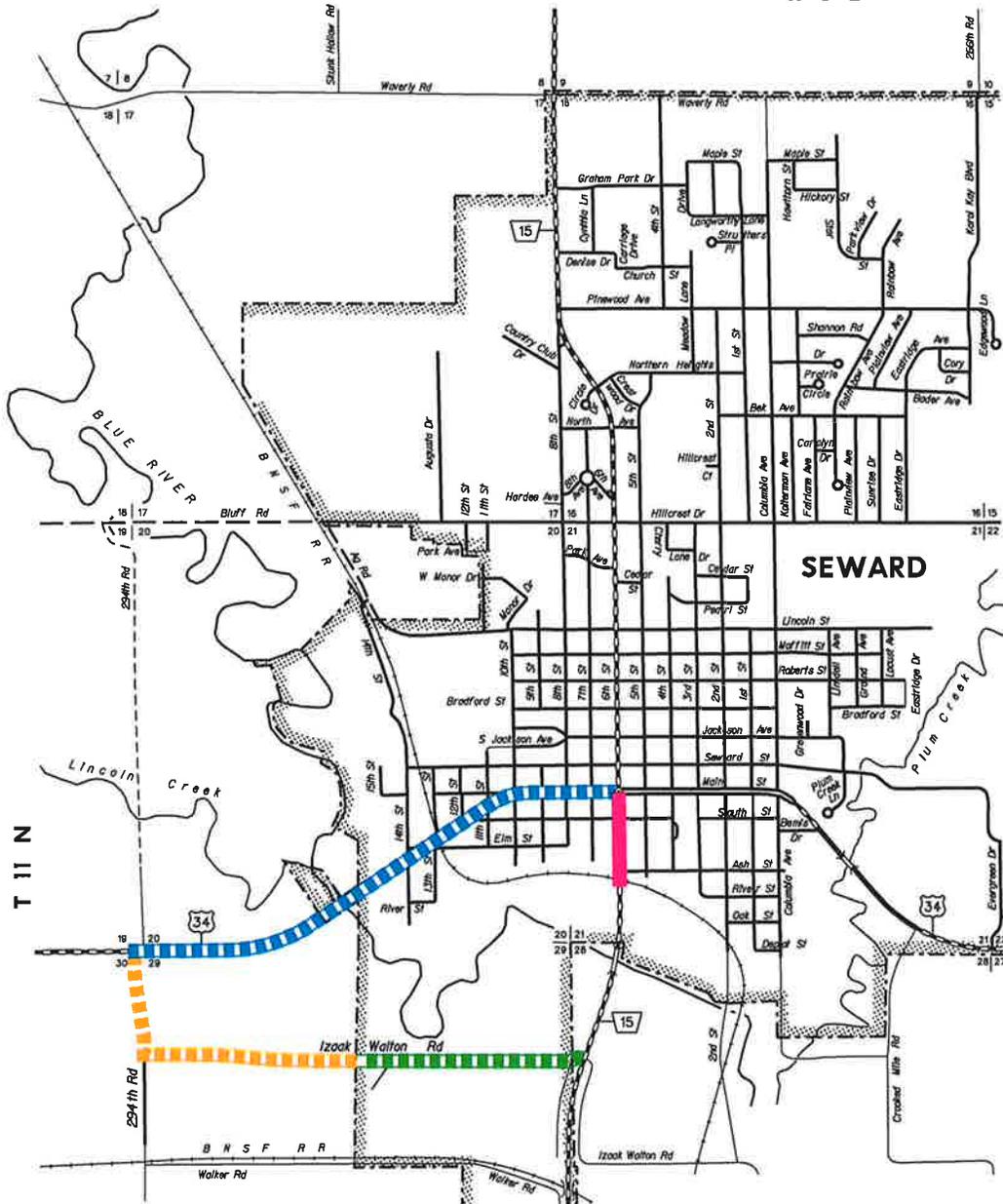
15-2 (117)
C.N. 12080

EXHIBIT "A"

US-34 NORTH & SOUTH, SEWARD

SEWARD COUNTY
NEBRASKA

R 3 E



- PHASE I CONSTRUCTION - CLOSED TO TRAFFIC
- PHASE I DETOUR - CITY OF SEWARD
- PHASE I DETOUR - SEWARD COUNTY
- PHASE I DETOUR - HWY US-34 (STATE)

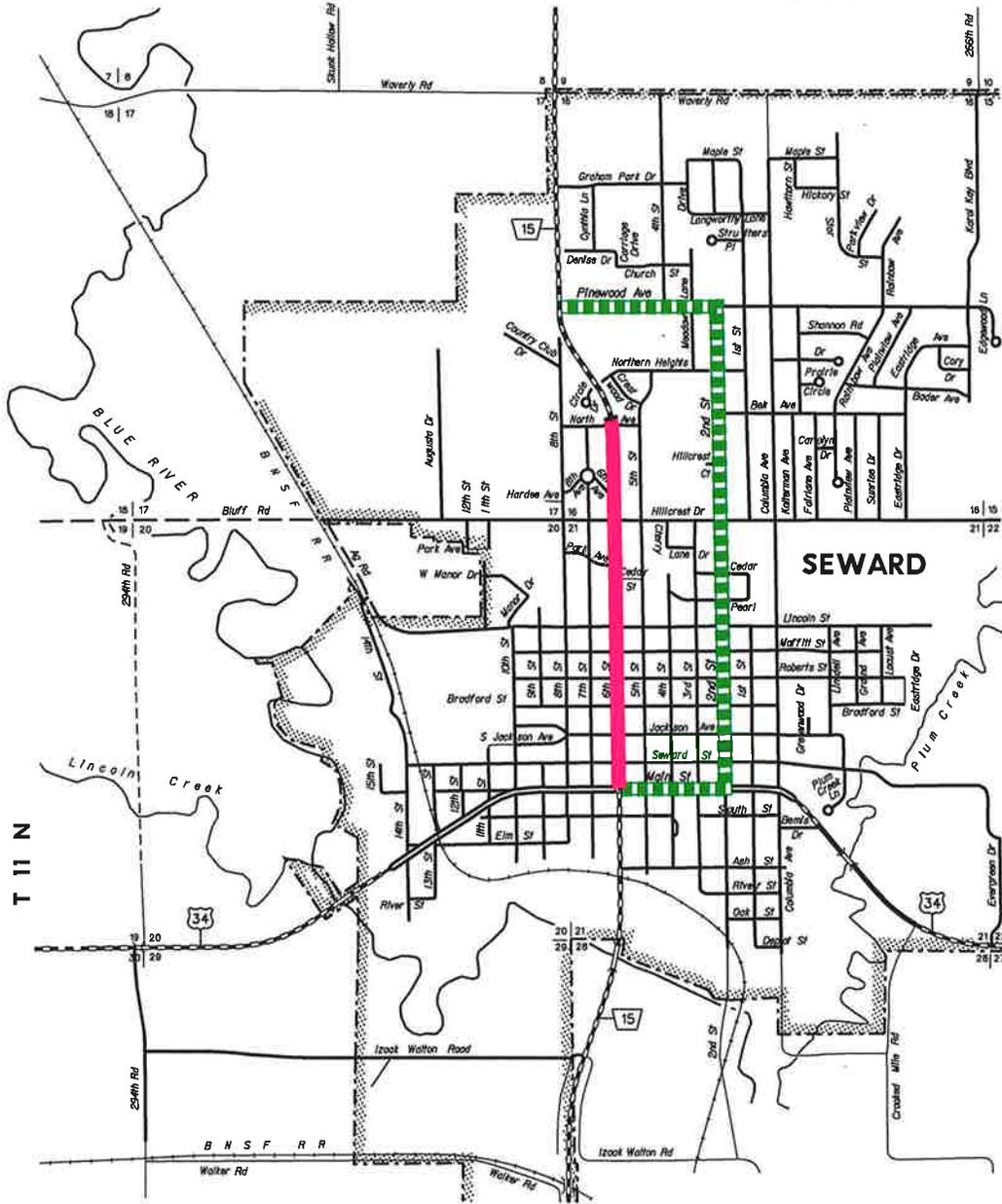
15-2 (117)
C.N. 12080

EXHIBIT "B"

US-34 NORTH & SOUTH, SEWARD

SEWARD COUNTY
NEBRASKA

R 3 E



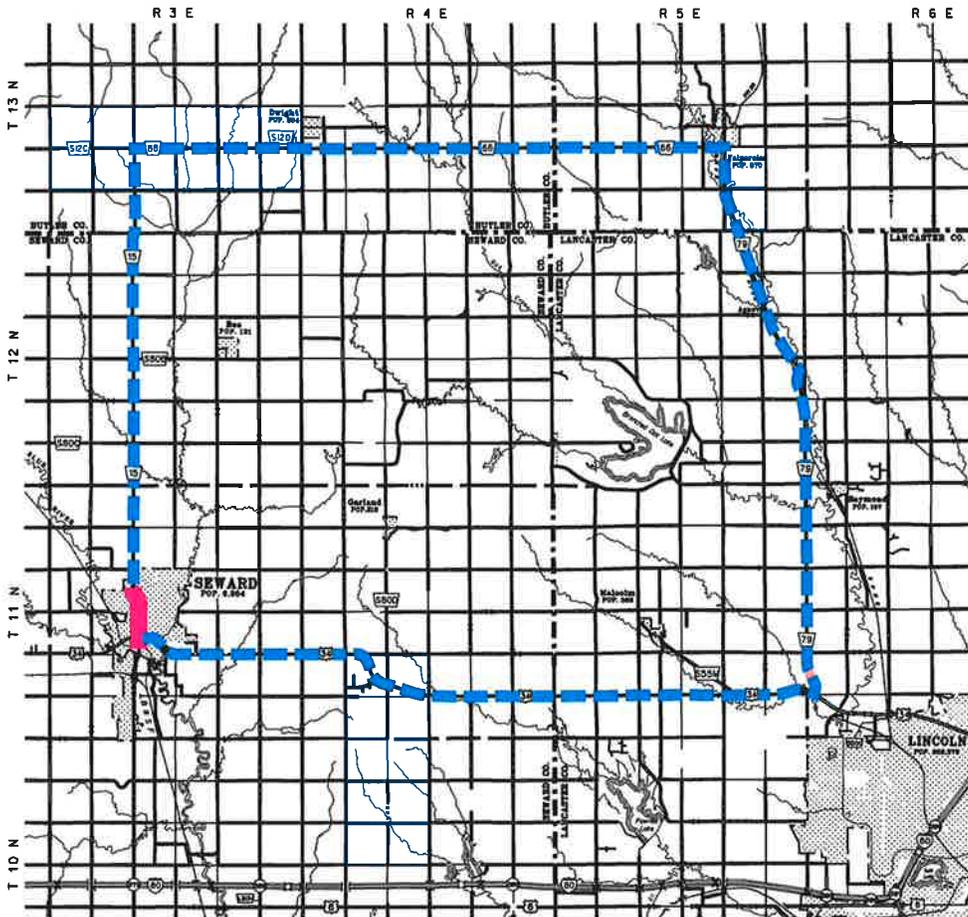
-  PHASE 2 CONSTRUCTION - OPEN TO SB TRAFFIC ONLY
-  PHASE 2 DETOUR - N-15 NB & LOCAL NB/SB TRAFFIC

15-2 (117)
C.N. 12080

EXHIBIT "C"

US-34 NORTH & SOUTH, SEWARD

SEWARD COUNTY
NEBRASKA



 PROJECT LIMITS
 DETOUR ROUTE

STATE HIGHWAY DETOUR ROUTE

15-2 (117)
C.N. 12080

EXHIBIT "D"

RESOLUTION

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF NEBRASKA FOR PROJECT NO.

_____.

Be it resolved by the City Council or Chairman of the Board of the City, Village or County of _____, Nebraska, that:

- 1. The City Village or County shall enter into a Agency Agreement with the Nebraska Department of Transportation for Project No. _____ for the purpose of highway improvements on Highway _____ within the corporate limits of the City/Village of _____ or County.**
- 2. The City Council of the City _____ Chairman of the Board a is hereby authorized and directed to execute said agreement on behalf of the City/Village of _____, or County of _____ and the City/Village Clerk or County Clerk is authorized to attest said execution.**
- 3. This resolution will be marked Exhibit “_” and a copy attached to each Original Agreement.**

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Mayor /Chairman of the Board

City/Village Clerk County Clerk

RESOLUTION NO. 2023-10

WHEREAS, the State of Nebraska, Department of Transportation (NDOT), intends to improve a portion of State HWY N-15 as specified in Project No. STP-15-2(117), and

WHEREAS, this agreement is related to the portion of the project on N-15 located within the City of Seward's (City) corporate limits, and

WHEREAS, NDOT and the City intend that this agreement describe certain roles and responsibilities applicable to this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA THAT:

1. The City of Seward enter into an agreement with the State of Nebraska, Department of Transportation for said proposed improvements specified in Project No. STP-15-2(117) and the Mayor of the City of Seward is hereby directed to execute said agreement.
2. This resolution will be marked Exhibit "E" and a copy attached to each original agreement.

The Mayor declared the resolution adopted. Dated this 15th day of August 2023.

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Eickmeier, Mayor

Joshua

Derek Bargmann
City Clerk

(SEAL)

5. Update on the Wellness Center - City Administrator Butcher
CITY ADMINISTRATOR'S REPORT

CITY ADMINISTRATORS REPORT – 8/15/23

- Monitoring a number of street projects on East Seward (construction), design on East Hillcrest, and drainage near Park Street & Bradford Street (contracts), Karol Kay box culvert is finishing up.
- Water Tower project underway, working on final paint design.
- Assisting City Attorney with a number of real estate items and related matters.
- Assisted with Civic Center items and issues, working with Commission on Building Renovation next steps. Met with Ken Morgan on Langworthy Trust cash flow to fund renovation.
- Reviewed additional DTR items and worked with applicants on needed documents.
- Continued to work with RDG Planning to complete blight study.
- Working with Wellness Center Executive Director Brase on numerous items and follow ups.
- Continued 2023 comparability study with staff.
- Assisted with payroll, claims, Airport Authority Financials and TIF payments.
- Reviewed applications for payroll clerk and Finance director, conducted initial reviews with candidates and interviews.
- Met with City Attorney on items for the Rail Campus and Code Enforcement Procedures.
- Attended negotiations meeting between SCCDP, City and Langworthy Trusts along with representatives' attorneys. Working for final resolution and to avoid court.
- Worked extensively on City budget.
- Held Personnel Finance and Audit Committee Meeting.
- Held CARC meeting.
- Reviewed items for the Wellness Center plat, annexation, and related items before P&Z and Council meetings.
- Met with Jones Bank on Wellness Center financing. Working to meet with Cattle Bank soon as well.
- Was on vacation from July 24th to August 3rd.

The departments are working on the following projects to name a few:

Police Department

- Meet w/ Brittney Ferrin regarding Civil Service Testing options.
- Fill PO-I position.

City Clerk/Human Resources/City Hall

- White Castle will has begun roofing Aug. 7 due to the June 14th storm cleanup.
- Personnel, Finance & Audit Committee to consider Sections 4-7 drafts for the Employee Personnel Handbook.
- Continuing prep of draft for meeting on Aug. 15th for Master Fees Resolution.
- Job description edits for Facility Maintenance Supervisor and Senior Utility Maintenance Worker II.
- Current open positions: Finance Director/Treasurer, Street Maintenance Worker, Police Officer, Payroll Clerk and Library Clerk.

Water/Wastewater Department

- Lead and Copper Sample Collection.
- Radio Antenna at SW 3 Well.
- 2nd St. Lift Station Pump.
- Leak by Parade of Flags.
- Replace seal on hatch for clearwell at R.O. Plant.

Parks and Rec/Cemetery/Golf/Pool

- All golf summer leagues end this week.
- August 9th free pool party sponsored by Faith Lutheran Church.

- Tackle football practice starts.
- Working on a new campground.
- Ballfield maintenance.
- Mowing, spraying.

Civic Center

- Regular meetings.
- Hiring two (2) new part-time employees due to back to school.

Electric Department

- Set pole 1000 N. 5th in blind alley and transfer power lines and trim trees.
- Set anchors Hwy 34.
- Set overhead guy pole Crooked Mile Rd.
- Bore streetlights at Northern Heights by Seward High School.

Street Department

- Work on alley project between 4th & 5th Streets.
- Street repairs on Northern Heights.
- Mow R.O.W.

Library

- Several staff members gone 8/7/23.
- Material ordering.
- Finalizing 2023 anniversary details.

Building Inspection/Planning Department

- Planning Commission agenda items for review: Ordinance for Row dedication, Wellness Center Annex, Rezone, Preliminary and Final Plat.
- Fire Marshall Inspections: WCR, 14Tin LLC, Briggs Feed, Petsource and Kayton Appts.

Engineering

- Change orders pending for Park and Bradford Streets.
- East Seward Street (County): intersection and driveways, flumes at Hwy 34, hydrant relocation, LDS service relocation, Allo/Charter/Spectrum/Windstream relocation , utility work (sanitary and storm) resumes Aug. 28, East Seward Road opens to local traffic Aug. 25
- Fence and seeding at Karol Kaye Box Culvert.
- 60% design submission to NDOT for Izaak Walton & Hwy 15 intersection.

Finance Dept.

- Cydnee Golden to be appointed Aug. 15 as the Finance Director/Treasurer. Cydnee's first day with the City will be Sept. 5th.

Seward Wellness Center

- Finalized security and AV locations & construction documents delivered to Sampson Construction.
- Ongoing efforts for reps of Seward Changing the Game Inc to meet with community groups/businesses to present the project in seeking further donations.
- Visit facilities in Lincoln (Kinetic & possibly Speedway).
- Continued work with consultants on specific spaces in the SWC.

**FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE
ACTION
ANNOUNCEMENT OF UPCOMING EVENTS
STRATEGY SESSION**

1. Strategy Session with City Attorney for Real Estate Interests at the Seward Rail Campus - City Attorney Hoffschneider

MOTION TO ADJOURN

I, Derek Bargmann, the duly appointed qualified and acting City Clerk of the City of Seward, Nebraska, hereby certify that the foregoing Notice of Meeting and Agenda for such meeting has been posted in the following places: Seward City Hall, Seward Municipal Building, Seward County Courthouse, Seward Memorial Library and CityofSewardNE.gov

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City.

Derek Bargmann, City Clerk

Date