



City of Coeur d'Alene  
Personnel Rules

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## **RULE 1: GENERAL PROVISIONS**

### **SECTION 1. Adoption of Personnel System**

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees shall be based on merit and fitness; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

### **SECTION 2. Personnel Officer**

The City Administrator shall be the Personnel Officer. The City Administrator may delegate any of the powers and duties conferred upon him or her as Personnel Officer under these rules to any other officer or employee of the City or may recommend that such powers and duties be performed under contract with a qualified person or agency. The Human Resources Director shall:

- (a) Administer all the provisions of this chapter and the Personnel Rules not specifically reserved to the City Council or the Personnel Appeals Board;
- (b) Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules. The City Attorney shall approve the legality of such rules and amendments prior to their submission to the City Council;
- (c) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan, and any revisions thereof, which shall become effective upon approval by the City Council;
- (d) Prepare or cause to be prepared a plan of compensation, and revisions thereof, covering all classifications in the competitive service and the plan and any revisions thereof, which shall become effective upon approval by the City Council;
- (e) Provide for the recruiting, examination and certification to the Department Head, a list of persons eligible for appointment to the appropriate positions in the competitive service.

### **SECTION 3. Personnel Appeals Board**

There is hereby created a Personnel Appeals Board to consist of a panel of six (6) members to be appointed for a four (four) year staggered term appointed by the Mayor with the concurrence of the City Council, and members may in a like manner be removed. The Personnel Appeals Board of three (3) persons shall be selected from the six (6) member panel as follows: One (1) member to be selected by the appellant employee; one member to be selected by the Personnel Officer; and the third member to be selected by mutual agreement of the first two selected. The Personnel Appeals Board shall adopt reasonable rules of procedure and shall select a chairman from among its membership who shall act as presiding officer.

Vacancies on the panel shall be filled by appointment by the Mayor with the concurrence of the City Council for the unexpired term. Each member shall serve until his successor is appointed and qualified.

Members of the Personnel Appeals Panel shall be residents of this City. No person shall be appointed to the panel who holds any salaried office or employment with the City.

The functions of the board shall be to hear appeals submitted by any persons in the competitive service relative to any disciplinary action, dismissal, demotion, interpretation, or alleged violation of this chapter or the Personnel Rules and to certify its findings and recommendations to the City Council which body shall finally determine the appeal as provided in the Personnel Rules, which final determination shall be subject to judicial review as may be allowed by law.

#### **SECTION 4. Competitive Service**

Except as otherwise specifically provided in a contract between an employee association and the City, the provisions of these rules shall apply to all offices, positions and employment in the service of the City, except:

- (a) Elective officers;
- (b) Members of appointive boards, commissions and committees;
- (c) Appointed officers, Department Heads, City Administrator, and the Library Director (all governed by Rule 26);
- (d) Persons engaged under contract to supply expert, professional, technical or other services;
- (e) Volunteer personnel;
- (f) Emergency employees who are hired to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake which threaten life or property;
- (g) Employees who are employed less than half time which is hereby defined as employees who are expected to or do work less than one thousand one hundred forty (1040) hours in any one fiscal year or employees temporarily appointed to provide services to the City;

Notwithstanding the provisions of this section, and unless otherwise provided by contract or collective bargaining agreement, the provisions of these Rules relating to attendance, leaves, discrimination, harassment, retaliation, violence prevention, conflict of interest, drug/alcohol policy, standards of conduct, code of conduct, assignment and use of City property (including the electronic communications policy), and request for reimbursement procedures shall apply to all employees, volunteers, and interns.

#### **SECTION 5. Amendment of Rules**

- (a) Personnel Rules shall be adopted by resolution of the City Council after notice has been posted in City Hall, distributed to all Departments, and transmitted to all recognized Employee Associations at least ten (10) consecutive calendar days prior to Council consideration.
- (b) Amendments to the Personnel Rules may be suggested by any interested party. Notice of the amendments shall be posted in City Hall, distributed to all Departments, and transmitted to all recognized Employee Associations at least (10) calendar days prior to consideration by the Council. At the time of consideration by the Council, any interested party may appear and be heard. Amendments shall be effective immediately upon adoption by the Council.
- (c) The rules shall establish regulations governing the personnel system including, but not limited to:

- (1) Preparation, installation, revision, and maintenance of position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;
- (2) Preparation, revision, and administration of a plan of compensation, directly correlated with the position classification plan, providing a rate or range of pay for each class;
- (3) Public announcement of all tests and acceptance of applications for employment;
- (4) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names or persons eligible for appointment;
- (5) Certification and appointment of persons from employment lists, and the making of provisional and emergency appointments;
- (6) Evaluation of employees;
- (7) Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;
- (8) Separation of employees from the City service;
- (9) Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training;
- (10) The establishment of adequate personnel records; and,
- (11) The establishment of grievance and appeal procedures.

## **SECTION 6.                      Appointments**

Appointments to vacant positions in the competitive service shall be made in accordance with the Rules and shall be made in the best interest of the City.

In any examination the Human Resources Director may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefore.

Appointments shall be made by the Department Head, in consultation with the Human Resources Director, or designee. When appointment is to be made to a vacancy in the competitive service, the Human Resources Director shall transmit to the Department Head the names of all persons on the appropriate certified employment list, in the order in which they appear on the list.

In the absence of an appropriate employment list, a provisional appointment may be made not to exceed six (6) months, by the Department Head, in consultation with the Human Resources Director. The person shall meet the minimum training and experience qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. During the period of suspension of an employee, such vacancy may be filled by the Department Head, in consultation with the Human Resources Director, subject to the provisions of Rules.

## **SECTION 7.                      Demotion, Dismissal, Reduction in Pay and Suspension**

The Personnel Officer shall have the right, for due cause, to demote, dismiss, reduce in pay, or suspend with or without pay for up to thirty calendar days, any employee in the competitive service. Notice of such action must be in writing and served personally on such employee within three (3) working days of the date action is taken. Such notice shall specify the penalty and

contain a statement of the reason or reasons therefore, and attached thereto shall be a copy of the appeals/grievance policy.

The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions.

**SECTION 8. Right of Appeal**

Any employee in the competitive service shall have the right to appeal to the Personnel Appeals Board any disciplinary action, adverse interpretation or alleged violations of this chapter or the rules adopted there under, except in those instances where the right of appeal is specifically prohibited by these rules.

All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in these rules.

**SECTION 9. Abolition of Position**

Whenever in the judgment of the City Council it becomes necessary, the City Council may abolish any position of employment in the competitive service. Employees transferred, demoted, or laid off because of the abolishment of positions, shall not be subject to written charges nor shall they have the right of appeal in such cases.

Reductions shall be based on merit and seniority within a given classification and shall include time served on military leave of absence.

The names of probationary and regular appointed employees laid off shall be placed on re-employment lists for classes which, in the opinion of the Personnel Officer, require basically the same qualifications and duties and responsibilities for those of the class of positions from which the layoff was made.

Names of persons laid off shall be placed upon re-employment lists in order of total cumulative time served in a probationary or regular appointed status, and shall remain on such lists for a period of one (1) year unless reemployed sooner.

Failure to adhere to the above provisions with respect to the administration of effecting transfers, demotions or layoffs shall be subject to the Personnel Appeals procedures.

**SECTION 10. Employee Standards of Conduct**

In order to avoid conflicts of interest and/or the appearance thereof, the following rule shall be applicable to all City employees, volunteers, and interns.

No employee, volunteer, or intern of the City covered by these rules shall:

- (a) use their official authority to influence or interfere with an election to or a nomination for office, or to affect the results thereof; or

- (b) directly coerce, attempt to coerce, command, or direct any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency or person for political purpose;
- (c) make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules and policies hereunder;
- (d) directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the City government service.
- (e) accept any gifts, including trivial gifts or benefits, which exceed the value of fifty dollars (\$50.00), in concurrence with Idaho Code 18-1356 and 18-1359. Such gifts shall not be accepted in a manner which would by-pass this rule, such as a combination of trivial gifts from one person or organization when combined exceed a \$50.00 value. A violation of this rule shall constitute a misdemeanor, and will be cause for disciplinary action. Gifts or other benefits received on account of kinship or other personal professional or business relationship independent of the employment with the City shall be exempt.
- (f) show favoritism to another employee. Favoritism occurs when an employee in the supervisory chain shows special treatment to another employee;
- (g) fail to disclose an actual or potential conflict of interest that places the employee in a position to influence a decision resulting in a personal gain for that employee, a relative, or any person residing in the employee's household.

Violations of the Standards of Conduct will be cause for disciplinary action. Employees directly or adversely affected by this policy may file a grievance pursuant to the grievance procedures set forth in Rule 16 of these rules.

## **SECTION 11. Outside Employment**

Employees may engage in outside employment, in addition to their City employment, only under the following conditions:

- (a) There shall be no conflict of interest or incompatibility with the employee's City employment.
- (b) The time involved in outside employment shall not adversely affect the employee's attitude or efficiency in his or her City employment.
- (c) No telephone calls or personal contacts concerning the outside employment shall be made during the hours of City employment.
- (d) Each employee shall report all outside employment to his or her Department Head and shall secure the written approval of such Department Head prior to the commencement of such outside employment. The Department Head shall notify the City Administrator through the Human Resources Director at the time such outside employment is approved.
- (e) For the purposes of this section, employment does not include serving as an unpaid member of the board of directors for a non-profit corporation.

**SECTION 12. City Commissions, Committees and Boards**

Purpose: To avoid conflict of interest, to ensure City commissions, committees, and boards are citizen driven, and to provide clarity regarding appointment and participation in City commissions, committees or boards.

City employees shall not serve as members on any City commission, committee or board. However, an employee may participate at meetings as a resource but only when invited by the City Liaison and Chair of the commission, committee or board, and with the permission of the applicable department supervisor and/or Department Head. If not attending at the request of the City Liaison and Chair, the employee may attend as any other member of the general public.

City employees may serve on non-City commissions, committees or boards and conflict of interest will continue to be determined per above Section 12, Outside Employment.

## RULE 2: DEFINITIONS OF TERMS

The following terms, whenever used in these rules, shall be defined as follows:

- SECTION 1.**            **“Advancement”** - A salary increase within the limits of a pay range established for a class.
- SECTION 2.**            **“Allocation”** - The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.
- SECTION 3.**            **“Appointing Power”** - The officers of the City who, in their individual capacities, or as a board, commission, or City Council, have the final authority to make the appointment to the position to be filled.
- SECTION 4.**            **“Bereavement Leave”** – Paid leave benefit due to the death of an immediate family member.
- SECTION 5.**            **“Board”** - The Personnel Appeals Board established by these rules.
- SECTION 6.**            **“Class”** - All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and salary.
- SECTION 7.**            **“Classification Plan”** - **“Classification Plan”** - The most current plan adopted by the City Council. At the time of this publication the most current plan was adopted by
- SECTION 8.**            **“Classified Service”** - See Competitive Service below.
- SECTION 9.**            **“Class Specifications”** - See Job Description below.
- SECTION 10.**           **“Compensation Plan”** – The most current plan adopted by the City Council. At the time of this publication the most current plan was adopted by
- SECTION 11.**           **“Competitive Service”** – All positions of employment in the service of the City except those specifically excluded by these rules.
- SECTION 12.**           **“Demotion”** - The movement of an employee from one class to another class having a lower maximum rate of pay.
- SECTION 13.**           **“Dismissal”** - Termination from the competitive service for cause or failure to satisfactorily complete the probationary period.
- SECTION 14.**           **“Eligible”** - A person whose name is on an employment list.

**SECTION 15. “Employment List” -**

- (a) Open Employment List - A list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
- (b) Promotional Employment List - A list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.

**SECTION 16. “Examination” -**

- (a) Open-Competitive Examination - An examination for a particular class which is open to all persons meeting the qualifications for the class.
- (b) Promotional Examination - An examination for a particular class, admission to the examination being limited to regular appointed and probationary employees in the competitive service who meet the qualifications for the class.
- (c) Continuous Examination - An open-competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, to fill an existing or anticipated vacancy or vacancies.

**SECTION 17. “Job Description” -** The written explanation of particular responsibilities of a class in the competitive service.

**SECTION 18. “Part-time Employee” -** Employees whose typical work week consists of less than 30 hours on a regular basis are considered part-time employees. If the position is an approved budgeted position, part-time employees may receive reduced/pro-rated employee benefits based on the number of hours worked and is considered at-will until employee has successfully completed probationary period.

**SECTION 19. “Pay Plan” -** See Compensation Plan.

**SECTION 20. “Full-time Regular Employee” –** Employees in an approved budgeted position whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the City. Employees are considered at-will until employee has successfully completed probationary period.

**SECTION 21. “Personnel Resolution” -** Resolution No. 78-66 which creates a personnel system for the City.

**SECTION 22. “Probationary Period” -** A working test period during which an employee is required to demonstrate fitness for the duties to which appointed by actual performance of the duties of the position.

- SECTION 23.**            **“Promotion”** - The movement of an employee from one class to another class having a higher maximum rate of pay.
- SECTION 24.**            **“Provisional Appointment”** - An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles.
- SECTION 25.**            **“Reinstatement”** - The re-employment without examination of a former regular appointed or probationary employee.
- SECTION 26.**            **“Suspension”** - The temporary separation from the service of an employee with or without pay, for disciplinary purposes or to finalize an investigation.
- SECTION 27.**            **“Temporary Employee”** - An employee who is hired to work in an irregular, seasonal or temporary basis is considered an at-will temporary employee. Temporary employees do not receive benefits, except those required by law.
- SECTION 28.**            **“Title”** - A description, which is as accurate as possible, of each position in the competitive service and used to describe general duties, functions, and grades of the position.
- SECTION 29.**            **“Transfer”** - The change of an employee from one position to another position in the same class or in a comparable class.

## **RULE 3: MISCELLANEOUS PROVISIONS**

### **SECTION 1. Fair Employment**

No appointment to or removal from a position in the competitive service shall be affected or influenced in any manner by any consideration of race, color, religion, gender, age, disability, sexual orientation, gender identity, veteran status, national origin or any other applicable legally protected status, nor shall the City act in violation of applicable provisions of the Americans with Disabilities Act (ADA). The City of Coeur d'Alene by Resolution 76-8 of March 2, 1976 formalized its position relative to Equal Employment Opportunity and such statement is designated as Exhibit "A," on file in the Human Resources Department.

### **SECTION 2. Residency**

Certain positions, at the discretion of the City Administrator, may be required to reside within a twenty (20) minute driving response time to the city limits.

### **SECTION 3. Violation of Rules**

Violation of the provisions of these rules shall be grounds for rejection, suspension, demotion, dismissal, or other disciplinary action.

### **SECTION 4. Qualifications**

- (a) An applicant for a position of any kind under the Competitive Service must meet the qualifications and requirements in the official job description.
- (b) Every applicant, upon request, must authorize the City to conduct background and professional reference checks. Additionally, a credit check will be required on applicable positions.

### **SECTION 5. Safe Work Practices Policy**

- a) **Purpose/Intent:** It is the City of Coeur d'Alene's goal to provide safe working conditions and operating procedures that will ensure a safe work environment for all employees. The safety of City employees is of primary importance. A safe operation conserves human and material resources and is essential to efficient production. The City's goal is to eliminate work-related injuries and illnesses.
- b) **Responsibilities:** Occupational health and safety is everyone's responsibility and everyone must be held accountable for their actions concerning safety. All levels of management and supervision have a primary responsibility to determine safe work procedures and ensure safe working conditions. Supervisors and employees are expected to follow the work methods and procedures established by the City of Coeur d'Alene.
  - 1) **Supervisory Responsibility:** To provide a safe and healthful working environment and to encourage, support, and lead employees in safe work practices.
  - 2) **Employee Responsibility:** To work safely and in a healthful manner, comply with all laws and department regulations/policies and to protect themselves and those around them. If at any time an employee feels unsafe or observes an unsafe condition or act, stop work and correct the situation or contact a supervisor for help.

- 3) Work Related Injuries: In the event of a work related injury, the employee must:
  - a) Notify your supervisor when an injury occurs;
  - b) Complete a First Report of Injury as soon as possible;
  - c) If necessary, get medical attention through the city's designated preferred medical provider.
- 4) These responsibilities can be met by working continuously to promote safe work practices among all employees and to maintain property and equipment in a safe operating condition.
- 5) Benefit: By working together, we can maintain a safe and efficient organization.

## **RULE 4: CLASSIFICATION**

### **SECTION 1. Preparation of Plan**

The Human Resources Director, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and, after consulting with appointing authorities and heads of departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. The classification plan presently in operation shall be designated as Exhibit "B," on file in the Human Resources Department.

### **SECTION 2. Adoption, Amendment and Revision of Plan**

The classification plan shall be adopted and may be amended from time to time by resolution of the City Council. At the time of consideration any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Human Resources Director. Notice of City Council consideration of the proposed classification plan, amendments or revisions shall be publicly posted in City Hall and distributed to all departments, at least ten (10) consecutive days prior to City Council action.

### **SECTION 3. Allocation of Position**

Following the adoption of the classification plan, the Human Resources Director shall allocate every position in the competitive service to one of the classes established by the plan.

### **SECTION 4. New Positions**

When a new position is created, for which there is no existing class, before the same may be filled, the appointing power shall notify the Human Resources Director, and, except as otherwise provided by ordinance or these rules, no person shall be appointed, employed, or transferred to fill any such position until the classification plan shall have been amended to provide therefore and an appropriate employment list established for such position.

### **SECTION 5. Reclassification**

Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Human Resources Director to a more appropriate class, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

- (a) Classes proposed for movement to a higher salary range: Incumbents of positions in a class that is proposed for a salary increase should move to the same steps in the proposed salary range that they were on in the lower salary range. Their anniversary dates should remain unchanged.

- (b) Classes proposed for movement to a lower salary range or reallocation of a position to a class with a lower salary range:
  - (1) Incumbents of all positions in a class, or incumbents of positions reallocated to a class that is proposed for a lower salary range with a maximum step not lower than the incumbents' current actual salaries, should continue to receive their present salaries until their next anniversary date, which remains unchanged, at which time they would be eligible to move to the step in the salary range with the next higher dollar amount, unless they were already at the maximum step.
  - (2) Incumbents of all positions in a class, or incumbents of positions reallocated to a class, that is proposed for a lower salary range with a maximum step lower than the incumbents' current actual salaries should continue to receive their present salaries until the maximum step of the range again exceeds the incumbents' actual salaries. This action is generally referred to as "Y" rate and allows "freezing" rather than reducing employees' salaries. The letter "Y" should be used with these rates on all official pay related records and documents until the frozen salaries again fall within the range of the class.
- (c) Reallocation of a position to a class with a higher or equal proposed salary range.
  - (1) An employee in a position proposed for reallocation to a different class with a recommended salary range that is at least five percent (5%) higher than the salary range recommended for the employee's present class should be placed on a step in the new range that is at least five percent (5%) higher than the step the employee would receive if the position were not proposed for reallocation. In cases where the Human Resources Director feels inequities have existed over substantial periods of time, the Human Resources Director may grant step placement in excess of the 5% figure. The effective date of the reallocation should become the employee's new anniversary date.
  - (2) An employee in a position proposed for reallocation to a class with a recommended salary range that is equal to or higher by less than five percent (5%) the salary range recommended for the original class should move to the same step on the range of the new class. The salary anniversary date should remain unchanged.

The provisions of this section shall apply to the reallocation of positions and/or reclassification of positions or departmental reorganization not affected to reduce departmental costs, but shall not apply to the reallocation of positions or reclassification of positions or departmental reorganization effected as a part of a general plan to reduce salaries and wages, to reduce departmental costs.

## **RULE 5: COMPENSATION**

### **SECTION 1. Preparation of Plan**

The Human Resources Director or the person or agency employed for that purpose shall prepare a pay plan covering all classes of positions in the competitive service. In arriving at salary rates or ranges, consideration shall be given to prevailing rates of pay and consideration of working conditions for comparable work in other public agencies and in private employment, to current costs of living, to suggestions of Department Heads, to the City's financial conditions and policies, and to other relevant factors. The Human Resources Director or the person or agency employed for that purpose shall thereafter make such further studies of the pay plan as may be requested by the City Council. The pay plan presently in operation shall be designated as Exhibit "C," on file in the Human Resources Department.

### **SECTION 2. Adoption of Plan**

The pay plan shall be adopted and may be amended from time to time by action of the City Council. At the time of consideration any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Human Resources Director. Notice of City Council consideration of the proposed pay plan, amendments or revisions shall be publicly posted in City Hall and distribution to all departments, at least ten (10) consecutive days prior to City Council action. Thereafter, no position shall be assigned a salary not in conformance with the salary schedule unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

### **SECTION 3. Emergency Personnel**

All part-time, temporary personnel on an emergency basis, not included in the pay plan, shall be paid in accordance with rates of pay established by the Human Resources Director, which rates shall not exceed the prevailing rates for similar classes within the area. Such rates may be established upon any reasonable basis, such as hourly, weekly or monthly, and may be modified from time to time by the Human Resources Director as may be required by economic conditions.

### **SECTION 4. Overtime**

It shall be the duty of all Department Heads to operate their respective departments with a minimum amount of overtime, however, in cases of emergency or mandatory classes and meetings or when otherwise necessary, an employee of the City may be required to work overtime. Overtime work is that work performed by an employee during periods of time other than normally scheduled for his or her specific employment. Work in excess of forty (40) hours per week, in excess of an eight (8) or ten (10) hour designated shift per day for police department employees, in excess of fifty-six (56) hours per week for firefighters, and in excess of ten (10) hours forty (40) minutes per day for police officers assigned to the patrol division, shall be considered overtime work for the purposes of this section. All employees shall be paid overtime at a rate of time and one-half the base pay for hours worked over the normal schedule or will receive equivalent time, off at a rate of time and one-half for each hour of overtime worked (compensatory ("comp") time). The decision whether an individual employee shall receive pay or compensatory time off shall be based upon the recommendation and approval of the

Department Head.

In no event shall an employee work overtime without authorization from his/her immediate supervisor or Department Head. Pursuant to the Fair Labor Standards Act (FLSA), an employee shall not accrue more than 240 hours of compensatory time, except eligible police and fire positions, which shall not accrue more than 480 hours of compensatory time. All hours of compensatory time worked beyond 240 hours must be paid over time, however eligible police and fire positions shall be paid overtime beyond 480 hours (as set forth by the FLSA). Upon termination, employees shall receive monetary compensation for accumulated compensatory time up to two hundred forty (240) hours, except for eligible police and fire positions as established by FLSA. Time off from work must be allocated as compensation for overtime worked and should be encouraged during the same month that the compensatory time was earned. Time off will be allocated by the Department Head at the convenience of the workload in each department.

Compensatory time shall not be used for the purpose of postponing the date of separation, retirement or other predetermined separation or termination of employment past the actual month of the employee's last physical work day. For example, an employee who submits a notice of resignation will not be allowed to use leave to postpone their last day with the City into the subsequent month, separation of employment needs to be in the same month as the last day worked. Any eligible compensable leave will be paid out to the employee in their final check.

#### **SECTION 5. Temporary Appointment to Higher Class**

Any person temporarily appointed to serve in a higher classification and serving continuously in said classification for thirty (30) calendar days, shall receive the compensation established for the higher classification for the entire period of service in said classification; provided that vacation relief time shall not be counted in computing days of service for said purposes.

#### **SECTION 6: Wage Disbursements**

The City disburses wages on a bi-weekly basis. Employees will be paid on the Friday following the end of the pay period unless that Friday is a legal holiday, in which case the employee will be paid on the next Monday.

Most payroll deductions will be taken over twenty-four (24) pay periods, two (2) per calendar month, rather than twenty-six (26) pay periods. This means in the two (2) months when employees receive three (3) disbursements, some deductions will not be taken on the third disbursement. Employees can access their pay stubs electronically through the Employee Self Service link on the City's intranet website. No hard copy pay stubs are provided by the City.

Final paychecks for separating employees are issued on the next regular payday or in ten (10) days (excluding weekends/holiday), whichever is sooner. If the employee gives Human Resources a written request for earlier payment, the employee will be paid within forty-eight (48) hours (excluding weekend/holidays) of receipt of the request or the last day worked, whichever is later.

## **RULE 6: APPLICATIONS AND APPLICANTS**

### **SECTION 1. Announcement**

All examinations for classes in the competitive service shall be publicized on the city's website, and by such other methods as the Human Resources Director deems advisable. The announcements shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the manner of making applications; and other pertinent information.

### **SECTION 2. Application Forms**

- (a) Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians, references and fingerprinting. All applications must be signed by the person applying.
- (b) No person shall be admitted to any required examination for a position in the competitive service until he shall have filed an application upon a form provided by the City.
- (c) The City, in calling any examination, shall fix the period within which applications will be received from persons desirous of taking such examination, and no such period shall be less than two (2) weeks. A notice thereof shall be posted on the city's website, with such other publicity as may be deemed necessary by the Human Resources Director. No application shall be received less than three (3) days before the date of the examination.
- (d) Applications and accompanying certificates unless returned for correction will remain on file in the Human Resource Department and under no circumstances be returned to the applicants. Applications returned for correction must be back in the Human Resource Department before the date of the examination.

### **SECTION 3. Disqualifications, In General**

The Human Resources Director at his/her discretion, may reject an application, refuse to examine an applicant, or after examination, may remove an applicant's name from the eligible list for any of the following reasons:

- (a) The application demonstrates on its face that the applicant does not possess the minimum qualifications for the position; or
- (b) Dismissal from previous employment for delinquency or misconduct; or
- (c) Mental or physical unfitness, including failure of a pre-employment physical exam, for the position applied for; or
- (d) Dishonest or criminal conduct; or
- (e) Intentional false statement in any material fact or deception or fraud, in securing examination, certification, or appointment; or
- (f) Failure to disclose a conflict of interest; or
- (g) The applicant is related to an employee within the chain of command of the position applied for; or
- (h) Per Idaho Code 18-1359, no person related to a Mayor or Council Member by blood or marriage within the second degree shall be appointed.
- (i) Habitual use of illegal drugs or intoxicating liquors to excess.

Notice to applicants: If an employee becomes related or a promotion creates a chain of command conflict, every effort will be made to make an accommodation or transfer one or the other to an open position so that no conflict would exist. If no acceptable transfer or accommodation can be made to remove the conflict, the existence of the conflict will be deemed grounds for termination of one of the employees for cause.

**SECTION 4. Burden of Proof**

The burden of proof of good character in all cases shall be upon the applicant and the filing of any certification to that effect shall not bar the City from demanding or obtaining further proof of good character to its full satisfaction.

**SECTION 5. Special Provisions**

Each applicant must successfully pass such physical and medical examinations and tests as shall be prescribed by the City or otherwise required by law, either before or after the written examination and/or oral exam.

## **RULE 7: EXAMINATIONS**

### **SECTION I. Nature, Types and Notice of Examination**

- (a) The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Human Resources Director, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, oral tests, personal interviews, performance tests, physical agility tests, evaluation of education, training, experience, and work history, medical tests, or any combination of these or other tests. No questions which attempt to elicit information concerning race, color, ancestry, age, religious creed, marital status, sex, or political affiliations will be allowed at any examination or selection proceeding. Polygraph examinations may be used as a pre-employment qualification for the police department in accordance with applicable state and federal law.
- (b) The following rules of conduct will govern examinations:
- (1) All necessary reasonable explanations will be made to the candidate. Examiners are forbidden to explain the meaning of any questions or to make remarks or suggestions that may assist in its solution.
  - (2) All conversation or communication between or among candidates during examination is strictly prohibited.
  - (3) During an examination, no candidate will be allowed or permitted to leave the room except in the case of extreme necessity, and after notice to an examiner, and then only when accompanied by one of the examiners if possible.
  - (4) A candidate who withdraws from an examination after filling out the identification sheet and receiving a copy of the questions shall be considered as having failed.
  - (5) No help of any kind will be allowed during examinations. Any written or printed matter that might be of aid in the examination must be handed in before the examination commences unless expressly allowed for use on the examination. Any attempt to cheat or copy from another candidate will render the person ineligible for City employment at any time. Cheating on a promotional examination will subject the employee to discipline up to and including termination.
- (c) (1) Examinations for admission to the eligibility list, or for promotion, shall be held at such times and places as shall be designated by the Human Resources Director. After the filing of applications has closed, a notice of an examination shall be provided to each person having an application on file. Such notice shall be deemed official, and its presentation at the appointed time shall entitle the holder to enter the class for examination.
- (2) In lieu of the City administered test, the Police Chief may accept lateral applicants who are eligible to be certified by Idaho P.O.S.T. Because lateral applicants possess training and qualifications above entry-level applicants, qualified applicants will be appropriately tested and placed on the eligibility list. The Police Department may fill vacant offer positions with entry-level or lateral applicants, based on the needs of the department, after consulting with the Human Resources Director.

- (d) All examinations held under the provisions of these rules shall be competitive.
- (e) No limitations shall be made as to the number of applications to be received for examination. The Human Resources Director may limit the number of candidates to be examined at any time according to the needs of the City or for convenience in conducting the examination, but, in all cases, candidates shall be admitted to examination in the order in which their applications were filed.

**SECTION 2. Promotional Examinations**

Promotional examinations may be conducted whenever, in the opinion of the Human Resources Director, the needs of the service require the same. Promotional examinations may include any of the selection techniques delineated in Section 1 of this rule, or any combination of them. Only regular appointed or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations, except as provided in Rule 13, Section 2.

**SECTION 3. Continuous Examination**

Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists and shall remain on such lists, as prescribed in Rule 8.

**SECTION 4. Conduct of Examination**

The city may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Human Resources Director shall see that such duties are performed. The Human Resources Director shall have broad discretion in determining the time, place, and manner of conducting examinations including the power to have examinations conducted outside the City, if necessary. Polygraph examinations shall be required only as defined in the above Section 1 in accordance with applicable state and federal law.

**SECTION 5. Scoring Examinations and Qualifying Scores**

A candidate's score in a given examination shall be the average of his or her scores on each competitive part of the examination, weighted as shown in the examination announcement. Failure in one part of the examination may be grounds for declaring such applicants as failing in the entire examination or as disqualified for subsequent parts of an examination. The Human Resources Director may, at his/her discretion, include as part of the examination, tests which are qualifying only.

**SECTION 6. Notification of Examination Results and Review of Papers**

Each candidate in an examination shall be given written notice of the results thereof, and if successful, of his/her final earned score and/or rank on the employment list.

## **RULE 8: EMPLOYMENT LISTS**

### **SECTION 1. Employment Lists**

As soon as possible after the completion of an examination, the Human Resources Director shall prepare and keep available an employment list consisting of the names of candidates who qualified in the lowest qualifying score. Applicants whose general average upon examination is less than the qualifying standard established by the Human Resources Director (except in the case of police, 70% shall be the qualifying standard) shall be excluded from the employment list of candidates, and they shall be considered as having failed.

Successful candidates shall be placed upon the employment list in the order of their general average standing. When two or more have received the same average rating, the first filing his or her application, or, if the examination be for promotion, the first appointed in the department shall have priority.

Candidates may be placed on up to two (2) employment lists at the same time.

### **SECTION 2. Employment Lists/Police Department**

Employment lists shall be established for entry level, lateral police officer and promotional positions in the police department as follows:

- (a) Names and scores on the entry level and lateral police officer eligibility lists will not remain in effect for more than one (1) year. An applicant is not eligible to participate in further recruitment testing as long as their name remains on the current eligibility list. Once the name has been removed from the list, the applicant must repeat a testing process to be placed on a new list.
- (b) Entry level police officer applicants are individuals without any prior law enforcement experience or individuals with prior law enforcement experience who do not meet the criteria to be considered a lateral police officer applicant.
- (c) Lateral police officer applicants are individuals that meet all Idaho POST requirements and have successfully completed a P.O.S.T. certified basic academy and are experienced police officers who have worked for other municipal, county, or state agencies completing a probationary period and having a minimum of twenty-four (24) months of full time employment in either a patrol or investigative capacity. The 24 months may include academy and field training time. Corrections, reserve officer, security officer, and federal officer experience do not fulfill our requirement for certified police experience needed as lateral applicant.
- (d) Police Promotional employment lists for Sergeants, Lieutenant, and Captain positions shall be in force for two (2) years. After this time, all persons who have not been appointed will be removed therefrom and can only be returned thereto upon regular examination.
- (e) All other police positions employment lists shall remain in effect for one (1) year, unless expired sooner, and may be extended, prior to their expiration dates, by action of the Human Resources Director for additional periods, but in no event shall an employment list remain in effect for more than two (2) years.

**SECTION 3. Re-employment Lists**

The names of probationary and regular appointed employees who have been laid off shall be placed on appropriate re-employment lists in the order of total continuous cumulative time served in probationary and regular appointed status. Such names shall remain thereon for a period of one (1) year unless such persons are sooner re-employed.

When a re-employment list is to be used to fill vacancies, the Human Resources Director shall certify from the top of such list the number of names equal to the number of vacancies to be filled, and the appointing power shall appoint such persons to fill the vacancies.

**SECTION 4. Removal of Names from List**

The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Human Resources Director if the candidate requests in writing that his/her name be removed, if the candidate fails to respond within ten (10) days to a notice of certification, or for any of the reasons specified in Rule 6, Section 3, of these Rules. All candidates for positions in the police department will additionally be removed from the list if they have been dishonorably discharged from the United States Armed Services. The person affected shall be notified of the removal of his/her name by a notice mailed to the candidate's last known address. The names of persons on promotional employment lists who resign from the City of Coeur d'Alene shall automatically be dropped from such lists. The Human Resources Director, in consultation with the Department Head, may disqualify a list of if three or less applicants remain on the list.

## **RULE 9: METHOD OF FILLING VACANCIES**

### **SECTION 1. Types of Appointments**

The City of Coeur d'Alene shall hire qualified individuals who are best suited to contribute to the overall strategic success of the City of Coeur d'Alene. All employees are expected to make positive contributions to the City through their work. The City of Coeur d'Alene's competitive hiring process involves posting vacancies and accepting applications from internal applicants, or internal and external applicants. This process shall be used to fill all positions, unless the position is eligible to be filled using one of the following methods:

- a) Promotions, Transfers or Demotions
- b) Rehiring a former employee

### **SECTION 2. Notice to Human Resources Director**

Whenever a vacancy is to be filled, the department head, or designee, shall notify the Human Resources Director. If there is no re-employment list available for the class, the department head, or designee, shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from an entry level or promotional eligibility list, or appointment from a new recruitment.

If a vacancy in the same position and department occurs within 180 calendar days of the last day of the most recent posting, it will not be required to be reposted providing there are sufficient qualified applications on file from the recent posting. To fill the position using applicants from a recent posting, the department head, or designee, shall contact the Human Resources Director who will provide the applications on file and proceed through the remaining steps of the hiring process.

### **SECTION 3. Filling Vacancies for Entry Level and Lateral Police Officers**

If the Police Chief, or designee, does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, demotion, or if it is not possible to fill the vacancy by re-employment, selection shall be made from an appropriate entry level or lateral eligibility list, provided eligibles are available.

Whenever a sworn police officer position in the police department needs to be filled, the Police Chief, or designee, shall make requisition to fill the vacancy to the Human Resources Director. The police department will hire new officers based on the following practice:

Entry level and lateral police officers: Once the candidate has successfully passed the steps of the initial testing process, the candidate will be placed on an eligibility list, in order of ranked score, and the police department will thereafter conduct a thorough background investigation. The Police Chief, or designee, shall make a selection from the lists of eligible names provided and will consider the applicants based on all testing examinations, ranking on the eligibility list, the completed background process and the overall needs of the police department. If future candidates are added to an eligibility list due to additional testing (i.e. written exam and/or oral interview), those names are eligible for consideration once they have

successfully passed the testing process and are ranked on the list. All persons not appointed shall remain on the eligibility list in the relative position.

#### **SECTION 4. Promotional Certification of Police Officers**

When the Police Chief, or designee, requests a vacancy be filled by appointment from a promotional employment list, the Human Resources Director shall certify the names of eight (8) times the number of persons necessary to fill any promotional position. The Human Resources Director shall always certify the persons having the highest standing on the eligible list for the position to be filled. The names not certified, are not eligible for consideration. All persons not appointed shall remain on the eligibility list in the relative position.

Whenever there are fewer than three (3) names of individuals willing to accept appointment on a promotional employment list, the Police Chief, or designee, may make an appointment from the names available or may request the Human Resources Director to establish a new list. When so requested, the Human Resources Director shall hold a new examination and establish a new eligibility list.

#### **SECTION 5. Appointment**

After interview and investigation, the department head, or designee, shall make appointments from among those eligible, and shall immediately notify the Human Resources Director of the persons appointed. If the candidate accepts the appointment and presents himself or herself for duty within such period of time as the department head, or designee, shall prescribe, the candidate shall be deemed to be appointed; otherwise, he or she shall be deemed to have declined the appointment.

Vacancies for positions in the police department, if not filled by transfer, shall be filled by requisition as provided in this Rule. Appointment of a person certified from a promotional list who is on leave of absence on account of military service may be made. A person so appointed shall be re-employed in the advance position upon application and qualification. When, upon such appointment, the position remains vacant by reason of the absence of the appointee, requisition shall be made as provided in these rules and, upon certification if required, the appointing official, as in this section provided, shall appoint one of the persons eligible to fill the vacant position in an acting capacity, and a person so appointed shall be permanently appointed to the vacancy. When the name is someone who was formerly employed by the City but no longer is due to reduction of force, the appointing official shall have no choice. The person so named must be appointed within ten (10) days and report of same filed with the Human Resources Director.

#### **SECTION 6. Provisional Appointment**

In the absence of there being names of one or more individuals willing to accept appointment on appropriate employment lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six (6) months for any regular appointed position filled by provisional appointment. The Human Resources Director may extend the period of any provisional appointment for not more than thirty (30) days by any one action.

No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any open competitive promotional lists, for service rendered under a provisional appointment.

**SECTION 7. Temporary Appointments-Police**

- (a) When services to be rendered are of a temporary character for a limited period, or during a leave of absence, which has been approved by the Human Resources Director, of an employee who will return to the service of the City, the appointing official shall inform the Human Resources Director stating the duration of such period, the rate of compensation, the authority for such temporary compensation, the authority for employing such temporary service, and other conditions of employment, and may select for such employment one (1) of the first three (3) persons on the employment list, who, after due notice of conditions, is willing to accept appointment. In case of acceptance of appointment for temporary service, the eligible so appointed shall retain all rights for regular appointed positions as though no temporary appointment had been given. Provisional and temporary appointment shall not confer upon the appointee any privilege of promotion, transfer, or reinstatement to any other position in service.
- (b) Temporary Appointment Made Regular: Any person who has been appointed temporarily from an employment list, and who at the time of said appointment was on the list of eligibles willing to accept said appointment under the conditions and for a period then stated, may, in case such position is made or becomes a regular appointed position irrespective of the number of higher eligibles willing to accept regular appointment, but only on the approval of the Human Resources Director, and only if it is shown to the satisfaction of the Human Resources Director, that the fact that the position would become regular appointed was not known to the appointing official or department at the time the temporary appointment was made, and provided further, that the employment list from which temporary appointment was made is the most appropriate employment list for such regular appointed position.

## **RULE 10: PROBATIONARY PERIOD**

### **SECTION 1. Regular Appointment Following Original Probationary Period**

All regular appointments, including lateral police officer, shall be for a probationary period of twelve (12) months, with the exception of entry level police officer/recruit. Entry level police officer/recruit appointments shall be for a probationary period of eighteen (18) months to allow additional evaluation time while serving as a police officer recruit and in the field training program. A Department Head may extend a probationary period for a time not to exceed six (6) additional months, with consultation with the Human Resources Director.

Within thirty (30) days of the conclusion of the probationary period, the Department Head, or designee, shall complete a performance evaluation documenting the employee's performance and if the probationary period has been successfully completed. If the performance is unsatisfactory, the Department Head, with the approval of the Human Resources Director, has the option of extending probation or terminating employment.

Employees appointed between the 1<sup>st</sup> and 15<sup>th</sup> calendar day of the month shall be considered to have been employed during the entire month for the purpose of calculating the probationary period. Employees appointed between the 16<sup>th</sup> and last calendar day of the month shall not for the purpose of completion of the probationary period, be credited with such time until the 1<sup>st</sup> of the month following their appointment.

### **SECTION 2. Probation Following Promotion or Transfer**

The probationary period for all promotional appointments and transfers shall be six (6) months from the date of the promoted or transferred employee actually commences fulfilling the duties of their new position. Probation for promotions and transfers may be extended for up to two (2) successive six (6) month periods.

Employees promoted or transferred between the 1<sup>st</sup> and 15<sup>th</sup> calendar day of the month shall be considered to have been employed in that role during the entire month for the purpose of calculating the probationary period. Employees promoted or transferred between the 16<sup>th</sup> and last calendar day of the month shall not for the purpose of completion of the probationary period be credited with such time until the 1<sup>st</sup> of the month following their promotion or transfer.

### **SECTION 3. Objective of Probationary Period**

The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to the position.

### **SECTION 4. Rejection of Probationer**

- (a) During the probationary period of an original appointment, an employee may be dismissed at any time by the Department Head, after consultation with the Human Resources Director, without cause and without the right of appeal. Notification of rejection in writing shall be served on the probationer and a copy filed with the Human Resources Director.



## **RULE 11: ATTENDANCE AND LEAVES**

### **SECTION 1. Hours and Days of Work**

All employees, except as otherwise provided in this section, shall work forty (40) hours per week. The employees in the Fire Department assigned to a fire company shall work on a shift basis, as scheduled by the Fire Chief. Each such employee shall work an average of approximately fifty-six (56) hours per week on duty as computed over a one (1) year period. The employees assigned to the patrol division in the Police Department shall work on a shift-rotating basis. Each such employee shall work ten (10) hours forty (40) minutes per day.

### **SECTION 2. Work Week**

The work week for the City of Coeur d'Alene shall commence and end at midnight Saturday, unless an alternate workweek is established by the Department Head, and approved by the City Administrator, or by contract arrangement in accordance with Fair Labor Standards Act Regulations.

### **SECTION 3. Vacation Leave**

- (a) Purpose: Vacation leave is provided to give employees a break in year-round routine and to attract, motivate, and retain quality employees.
- (b) Vacation Leave: All employees in the competitive service, shall be eligible to accrue and use vacation leave with pay, only as specifically allowed by the rules contained in this section.
- (c) Vacation Leave Accruals: Unless otherwise provided by contract or written agreement, vacation leave will be accrued in accordance with the following schedule. Eligible employees who work less than full time, but more than one thousand forty (1040) hours during a fiscal year, shall accrue vacation on a pro-rated basis. Vacation accruals will be earned over twenty-four (24) pay periods rather than twenty-six (26) pay periods. This means in the two months when employees receive three wage disbursements, employees will not receive accruals on the third wage disbursement.
  - (1) Vacation Leave Accrual Schedule -
    - (i) First through third year of service - Eight (8) hours for each month of service; accrued at a rate of four (4) hours per pay period.
    - (ii) Fourth through fifth year of service - Twelve (12) hours for each month of service; accrued at a rate of six (6) hours per pay period.
    - (iii) Sixth through tenth year of service - Sixteen (16) hours for each month of service; accrued at a rate of eight (8) hours per pay period.
    - (iv) After ten (10) or more years of service - Twenty (20) hours for each month of service; accrued at a rate of ten (10) hours per pay period.
  - (2) No vacation leave shall accrue after sixty (60) consecutive days of absence.
- (d) Vacation Requests/Use: With approval of the Department Head/Supervisor an employee may take vacation leave up to the amount of vacation leave accrued at the time of such leave. Provided however, that the vacation leave may not be used in the same pay period in which it is accrued. Vacation leave requests shall be made to the Department Head/Supervisor for approval. Insofar as is practical, and unless otherwise provided by contract or agreement, employees will be scheduled for vacation leave based upon their preference. In the event one or more municipal holidays fall during the period of leave,

such holiday shall not be charged as vacation leave. While utilizing approved vacation leave, leave shall not be charged to sick leave upon return, unless otherwise provided by contract or written agreement. Unless otherwise approved by their Department Head, an employee may not use vacation or other leave in any manner that would result in the employee exceeding the number of hours in their regular work day/shift.

- (e) Maximum Allowable Balance: Unless otherwise provided by contract or other written agreement, a forty (40) hour-a-week employee with more than three hundred and twenty (320) hours vacation leave and a fifty-six (56) hour-a-week employee with more than three hundred and sixty (360) hours of vacation leave as of the first day of the City's fiscal year shall utilize the excess leave before January 15 of the following calendar year, unless otherwise approved in writing by the employees Department Head and by the Human Resources Director.
- (f) Vacation Leave Balance at Separation: All employees with accrued vacation leave, who leave employment with the City, for any reason, shall receive payment for their balance of vacation leave accrued through the effective date of separation.

Vacation leave shall not be used for the purpose of postponing the date of separation, retirement or other predetermined separation or termination of employment past the actual month of the employee's last physical work day. For example, an employee who submits a notice of resignation will not be allowed to use leave to postpone their last day with the City into the subsequent month. Separation of employment needs to be in the same month as the last day worked. Any eligible compensable leave will be paid out to the employee in their final check.

#### **SECTION 4. Sick Leave**

- (a) Purpose: All employees in the competitive service are eligible to accrue and use sick leave with pay only as specifically allowed by the rules contained in this section. Sick leave shall not be considered as a right, which an employee may use at his/her discretion.
- (b) Accrual Method: Unless otherwise provided by contract or other written agreement, Sick leave accruals will be earned over twenty-four (24) pay periods rather than twenty-six (26) pay periods. This means in the two months when employees receive three wage disbursements, employees will not receive accruals on the third wage disbursement. Sick leave will be accrued as: ten (10) hours for each month of service, accrued at a rate of five (5) hours per pay period, for Forty (40) hour a week employees.
  - (1) No sick leave shall accrue after sixty (60) consecutive days of absence.
- (c) Allowable Use: Accrued sick leave hours may be used for the following reasons that prevent an employee from working during a regularly scheduled workday/shift:
  - (1) Personal illness;
  - (2) Personal injury.
  - (3) Illness or quarantine of employee's immediate family necessitating the employee's absences from work. Unless otherwise provided by contract or other written agreement, immediate family is defined as spouse, qualified cohabitating domestic partner<sup>1</sup>, child, mother, and father. A child is defined as the biological, adopted, foster, stepchild or a child of an individual acting in the parent's stead,

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<sup>1</sup> Eligible cohabitating domestic partner must have approved affidavit and supplemental documentation on file with Human Resources.

who is under the age of eighteen unless an eligible IRS dependent.

- (4) Personal or medical related appointments, including annual wellness exams, counseling, dental check-up, etc. (including the employee's immediate family).
- (5) Conditions qualifying for leave under the Family and Medical Leave Act as provided under Section 11 of this Rule.
- (6) Sick leave may not be used in the same pay period in which it is accrued.
- (7) Notification Requirement: Unless otherwise specified by contract or written agreement, an employee who seeks to receive compensation while absent on sick leave, must notify his/her immediate supervisor or the Human Resources Director within four (4) hours prior to scheduled work shift, or as specified by the Department Head. If the employee is incapable of providing the required notice, the employee must provide notice as soon as possible.
- (8) Documentation of Illness/Injury: When the absence is for more than three (3) consecutive workdays, the Department Head/Supervisor or Human Resources Director may require a report from a medical provider stating that the employee is/was unable to perform his/her duties or is/was needed for the care of an immediate family member's illness or injury, or other qualified, allowable uses, as noted in this rule. Additionally, if in the Department Head's/Supervisor's opinion the employee is unable to perform their job duties, a medical report may be required at any time.
- (9) Conservative Sick Use: To be eligible for conservative sick use, employees must be employed for the entire quarter of the fiscal year (eligible hours will be pro-rated for part-time employees). All employees with less than seven hundred twenty (720) hours of accumulated sick leave shall be eligible to receive four (4) hours of vacation for each quarter of the fiscal year in which they did not use any sick leave.
- (10) Maximum Usable Balance: As of the first day of the first pay period of the new fiscal year, a forty (40) hour a week employee may not have a usable balance of sick leave exceeding seven hundred and twenty (720) hours.
- (11) Compensation for Excess Sick Leave: Unless otherwise provided by contract or other written agreement, employees who have accrued more than the maximum usable balance of sick leave must select one of the following options for compensation of their excess sick leave. Once an employee has selected an option upon reaching eligibility, that selection may not be changed.
  - (i) Option One: Employees having accrued more than the usable balance of sick leave shall forfeit all sick leave in excess of the maximum on the first day of the first pay period of the new fiscal year. The employee will be paid, in November of the same year for one third (1/3) of the forfeited sick leave. Upon retirement from the City of Coeur d'Alene, employees will be paid for one-third (1/3) of their accrued sick leave balance at the date of retirement up to a maximum of two hundred forty (240) hours.
  - (ii) Option Two: Employees having accrued more than the usable balance of sick leave, will bank the excess sick leave on the first day of the first pay period of the new fiscal year. Upon retirement from the City of Coeur d'Alene pursuant to the provisions of Idaho Code, the termination of an employee due to that employee's job being abolished, or the death of the employee, the employee or their beneficiary will be paid for thirty-five percent (35%) of the employee's banked excess sick leave. Banked excess sick leave balance cannot be converted back into usable sick leave.

Excess sick leave will continue to be banked each year on the first day of the first pay period of the new fiscal year until the employee retires.

- (12) Sick Leave Balance upon Separation: No payment shall be made for accumulated sick leave at the time of separation of employment, except those employees who retire from the City of Coeur d'Alene pursuant to the provisions of the Idaho Code. If a sick leave option has been selected, the selected option shall be applicable, see Section 11 entitled "Compensation for Excess Sick Leave" of this rule.

Sick leave time shall not be used for the purpose of postponing the date of separation, retirement or other predetermined separation or termination of employment. For example, an employee who submits a notice of resignation will not be allowed to use sick leave to cover the last days of employment instead of working.

- (13) Long Term Disability: Unless otherwise provided by contract or other written agreement, employees utilizing the City provided disability insurance shall not receive vacation or sick leave accruals after sixty (60) consecutive days of absences.

## **SECTION 5. Bereavement Leave**

Unless another period of leave is agreed to by contract, in the event of a death in the immediate family of an employee, and/or being in attendance at the relative's bedside, the employee under the IAFF contract terms shall be granted up to forty-eight (48) hours off with pay, while an employee under the Police Association Contract shall be granted 53.35 hours of paid leave of absence to employees whose scheduled workday is 10 hours and 40 minutes at the time of death. All other Police Association represented employees shall be granted 40 hours of paid leave of absence. This equates to the maximum of five (5) scheduled work days and hours will be pro-rated for part-time employees. Employees under the LCEA Contract and forty (40) hour employees shall be granted up to forty (40) hours off with pay. Immediate family is defined as spouse, qualified cohabitating domestic partner<sup>2</sup>, child, mother, father, legal guardians, brothers, sisters, grandparents, and grandchildren of either spouse. Child is defined as the biological, adopted, foster, stepchild, legal ward or a child of an individual acting in the parent's stead. If an employee is on scheduled time off at the time bereavement occurs, bereavement leave shall be paid and time off shall not be charged to accrued leave until bereavement leave is exhausted.

Only time taken within thirty (30) days prior to or immediately following a death shall qualify as bereavement leave, unless otherwise approved by Human Resources. An extension of such leave or time taken off for the illness of an immediate family member that does not result in death shall be charged to sick leave, vacation, and/or comp time as the employee requests in accordance with applicable policies.

## **SECTION 6. Military Leave**

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<sup>2</sup> Eligible cohabitating domestic partners must have approved affidavit and supplemental documentation on file with Human Resources.

Military leave shall be granted in accordance with the provisions of applicable law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken. Human Resources shall maintain current account of veterans' re-employment rights, and shall make such information available to employees upon request.

## **SECTION 7. Unpaid Leave of Absence**

- (a) Requests: All requests for an unpaid leave of absence by a regular appointed or probationary employee must be made in writing to the employee's Department Head and the Human Resources Director. Requests shall explain the reason(s) for the leave, the length of the leave requested, why it is necessary, and any other applicable information that would be helpful in making a final determination on the request, including medical documentation if available or requested. Unpaid leave is not a right, but is granted only in extraordinary circumstances upon a showing of good cause. Unpaid leave may be denied if coverage for the employee's work duties and responsibilities is not reasonably practicable.
- (b) Duration of Unpaid Leave of Absence:
  - a. Less than one (1) week: The Department Head, in consultation with the Human Resources Director, may grant an employee up to one (1) calendar week of unpaid leave.
  - b. Extended unpaid leave: The Human Resources Director may grant unpaid leave for up to twelve (12) calendar weeks. After conferring with the employee's Department Head, the Human Resources Director will provide the employee a written response to the employee's request.
  - c. Beyond twelve (12) weeks: The City Administrator may grant unpaid leave for more than twelve (12) weeks. The City Administrator shall confer with the employee's Department Head and the Human Resources Director prior to making a determination. The Human Resources Director will provide the employee a written response to the employee's request.
- (c) Exhausting Paid Leave: Prior to use of unpaid leave, an employee shall have exhausted all accrued vacation and compensatory leave. If the reason of the leave of absence is an allowable use under the sick leave policy, then all sick leave shall also be exhausted prior to going into an unpaid leave status.
- (d) Leave Accruals: During an unpaid leave of absence, an employee is not eligible for vacation or sick leave accruals.
- (e) Employee Benefits: If an employee has a full calendar month of unpaid leave, the employee is responsible for both the employee's and employer's cost share of any insurance benefit the City provides. The employee will be advised of COBRA continuation rights.
- (f) Return to Work: An Employee shall be reinstated in the position held at the time leave was approved upon return to work following unpaid leave. Failure of an employee to return to work on the agreed upon date may be treated as a resignation by the City or may subject the employee to disciplinary action up to and including termination.

## **SECTION 8. Witness and Jury Leave**

- (a) Paid Leave: All employees in the competitive services who are either required to serve as a witness in a matter related to City business, or as a juror are entitled to leave with pay for the period of such service. Any fees paid to the employee, absent mileage, must be reimbursed to the City.
- (b) Unpaid Leave: All employees who are compelled to serve as witnesses in a matter unrelated to City business may request use of accrued vacation leave, accrued comp time leave, or unpaid leave, as allowed by this Rule, for the duration of such service.

**SECTION 9. Attendance**

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. Failure on the part of an employee, absent without leave, to return to duty within 24 hours after notice of return shall be cause for immediate discharge, and such employee automatically waives all rights under these Rules.

**SECTION 10. Holidays**

The holidays to be observed in this City are as follows:

- January 1 (New Year’s Day)
- Martin Luther King, Jr./Idaho Human Rights Day
- Third Monday in February (President’s Day)
- Last Monday in May (Memorial Day)
- July 4
- First Monday in September (Labor Day)
- November 11 (Veteran’s Day)
- Thanksgiving Day
- The day following Thanksgiving
- December 24 and
- December 25 (Christmas Day)

- (a) Other days may be declared holidays as proclaimed by the President, Governor, or Mayor and City Council of this City.
- (b) For purposes of computing holidays, a working day for forty hour employees shall be considered eight (8) hours and for fifty-six (56) hour a week employees twenty four (24) hours. Eligible employees who work less than full-time, but more than 1040 hours during a fiscal year, shall be credited for holidays on a pro-rated basis.

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. If December 24<sup>th</sup> falls on a Saturday or Sunday, the preceding Friday shall be observed. If a holiday falls on an employee’s regularly scheduled time off, equivalent time off shall be granted.

City employees in departments operating on a continuous 24 hour basis or schedule shall be entitled to equivalent time off in lieu of holidays or compensated at straight-time commensurate with the holiday time hereby granted to other employees or as otherwise provided by the applicable collective bargaining agreement.

**SECTION 11. Family and Medical Leave (FML)**

**(a) Purpose/Intent**

The purpose of this rule is to provide employees a general description of their rights and duties under the Family and Medical Leave Act (FMLA) of 1993. The FMLA allows eligible employees to take up to 12 weeks of unpaid, job-protected leave for specified family and medical reasons.

**(b) Definitions:** For the purposes of this section, the following terms have the following meanings:

- (1) 12-Month Period: a rolling 12-month period immediately preceding the FMLA request.
- (2) Spouse: A husband or wife in a marital community as defined and recognized under federal law. Spouses who both work for the City have a combined twelve (12) weeks total leave in a 12 month period for the birth of a Child, placement of a Child for adoption or foster care, or for the care of a sick Parent.
- (3) Child: Biological, adopted, foster, step, a legal ward, or a child of a person standing *in loco parentis* (day-to-day responsibilities). The child must be under 18 years of age or incapable of self-care because of physical or mental disability regardless of age.
- (4) Parent: Biological, adoptive, foster, step, or an individual who stood in loco parentis (day-to-day responsibilities or financial support) to an employee when the employee was a child.
- (5) Next of Kin (military caregiver leave): Nearest blood relative, other than the Spouse, Parent, son, or daughter.
- (6) Certification: Completed medical certification from a health care provider that provides details regarding the treating physician, applicable medical facts, amount of leave needed, and any additional information that supports the request for FML.
- (7) Serious Health Condition: Illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
- (8) Covered Service Member: Current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy.
- (9) Qualifying Exigency Leave: Military family leave taken for any qualifying exigency (as defined by U.S. Department of Labor regulations) arising out of the fact that a covered military member is on active duty or call to active duty status.

**(c) Eligible Employees**

To qualify, an employee must meet the following conditions:

- (1) Has worked for the City for at least twelve (12) months; and
- (2) Has worked at least 1,250 hours in the 12-months immediately preceding the FMLA request.

#### **(d) Allowable Uses**

Eligible employees may take up to 12 workweeks of leave in a 12-Month Period for one or more of the following reasons:

- (1) For the birth and care of a newborn Child or placement of a Child for adoption or foster care;
- (2) To care for a Spouse, Child or Parent with a Serious Health Condition;
- (3) For a serious health condition that makes the employee unable to perform their essential job functions; or
- (4) For any Qualifying Exigency for a Spouse, Child or Parent when the Covered Service Member is on covered active duty in support of a contingency operation. An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (military caregiver leave).

#### **(e) Notification and Certification**

- (1) Employees are required to give a 30-day advance notice when the need for the leave is foreseeable. An "Employee Request for Family Medical Leave" form shall be completed by the employee and returned to the Human Resources Department.
- (2) A completed and sufficient certification issued by the health care provider will be required to determine eligibility for FML. FML may be denied if these requirements are not met.

#### **(f) Use of Paid and Unpaid Leave**

- (1) An employee requesting FML because of a birth, adoption or foster care placement of a Child must use any accrued vacation and comp time leave prior to being eligible for unpaid FML, unless under the care of a health care provider for a condition which would allow the employee to be eligible to use accrued sick leave.
- (2) An employee who is requesting FML because of the employee's own serious health condition or the serious health condition of an eligible family member must use all paid vacation, comp time, and sick leave before being eligible for unpaid FML.
- (3) An employee who is requesting military FML for a qualifying exigency must use all paid vacation and comp time leave prior to being eligible for unpaid FML leave.
- (4) An employee who is requesting FML for military caregiver leave must use all paid vacation, comp time, and sick leave in lieu of unpaid FML.
- (5) Sick leave will run concurrently with FML if the reason for the FML is covered by the established sick leave policy.
- (6) If the employee exhausts their accrued paid leave, the employee will be granted the remainder of FML as unpaid in order to receive the full 12 weeks.

**(g) Continuation of Coverage**

- (1) An employee granted FML will continue insurance coverage under the same conditions as coverage would have been provided if the employee had been continuously working during the leave period.
- (2) Employee contributions for health insurance will continue to be required, either through payroll deduction (where the employee has used accrued paid leave), or by direct payment to the City Finance Department. Payment for employee contributions will be due by the last working day of the month.
- (3) If the employee's contribution is more than one month late, the City may terminate the employee's insurance coverage or elect to advance the employee contribution, in which case, the employee will be required to reimburse the City for delinquent payments upon returning from leave.
- (4) The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.
- (5) Employees should contact the Human Resources Department to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.

**(h) Intermittent Leave Requests**

- (1) The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.
- (2) Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- (3) Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the employer's approval.

**SECTION 12. Retirement Consultation Benefit**

- (a) **Purpose:** This is a discretionary medical benefit available to employees seeking retirement if the decision to retire results in cost savings and there is an identifiable need for consultant services to the City.
- (b) **Definition:** For the purpose of this section, the following term has the following meaning.
  - (1) **Consultant:** A professional who provides expert advice in a specialized field and has a wide knowledge of the subject matter.

- (c) **Employee Responsibility:** To be eligible for consideration, the employee must first meet with their department head to discuss the need for consultant services. If the department head agrees there is an identifiable need for consultant services, the employee will submit a written request to the Human Resources Director, at least ninety (90) days prior to separation of employment.
- (d) **Department Head/Employer Responsibility:** The written request from the employee will be reviewed by the Department Head, Human Resources Director, Finance Director and the City Administrator to verify that the criteria are met. If criteria are met, the Department Head will be responsible to present the information to City Council for approval.

In determining if the City should grant the retirement consultation benefit the City will take into account the following criteria:

- (1) The employee must be eligible for retirement from the City of Coeur d'Alene pursuant to the provisions of Idaho Code pertaining to P.E.R.S.I.,
  - (2) The retirement must result in a savings of at least \$ \$40,000 over two (2) years.
  - (3) The department head will provide the following information to justify the necessity of the retiree's consultation to the City.
    - i. Detailed description of the scope of consultant work.
    - ii. An evaluation of the employees overall job performance prior to retirement.
    - iii. A staffing plan on re-filling the position.
  - (4) The retiree's availability to provide professional consultation services to the City for a minimum of two hundred forty (240) hours, for up to two (2) years.
  - (5) The employee must be willing to sign an agreement releasing the City of Coeur d'Alene of any and all claims of the employee. The agreement will further outline the terms of the separation and provide a guarantee to the City for consultant services. No payment shall be paid directly to the employee.
- (e) **Employee Benefit:** The employee will opt out of the City's medical insurance plan and receive up to twenty-four thousand dollars (\$24,000) into their HRA/VEBA plan.

The HRA VEBA contribution will be paid on a monthly basis. The retiree/consultant shall submit a monthly statement of hours to their previous Department Head by the fifth of each month. After verification of hours, payment shall be made into the retiree's HRA VEBA plan for hours worked in the previous month at the rate of One Hundred Dollars (\$100.00) per hour up until termination of the two-year contract or the retiree is paid the total of twenty-four thousand dollars (\$24,000), whichever occurs first.

## **RULE 12: PAY ADJUSTMENTS**

### **SECTION 1. Application of Rates**

Unless otherwise specified by contract or written agreement, employees occupying a position in the competitive service shall be paid a salary or wage established for that position's class under the pay plan as provided by Rule 5. The minimum rate, if provided, for the class generally shall apply to employees upon original appointment. However, the Human Resources Director may, when circumstances warrant, authorize original appointment or reinstatement at other than the minimum rate.

### **SECTION 2. Advancement**

No wage advancement shall be made so as to exceed any maximum rate established in the pay plan for the class to which the advanced employee's position is allocated. Advancements shall not be automatic but shall depend upon increased service value of an employee to the City as exemplified by recommendations of the supervisor completing the employee's evaluation, eligibility for appropriate increase based on service years, performance, record, special training undertaken or other pertinent evidence established by the pay plan.

Following an original appointment, each employee may be granted a wage increase at the completion of the probationary period, and additional increases at the completion of yearly increments thereafter or as otherwise provided by the pay plan, collective bargaining agreement, or resolution. Employees appointed between the 1st and 15th calendar day of the month shall be considered to have been employed during the entire month for the purpose of calculating a pay increase within the compensation plan. Employees appointed between the 16th and last calendar day of the month shall not for the purpose of an increase within the compensation plan be credited with such time until the 1st of the month following their appointment.

### **SECTION 3. Meritorious Increase**

The City Administrator may, upon recommendation of the Department Head, grant a meritorious increase up to five percent (5%). The City Administrator shall notify the City Council that a meritorious increase has been granted. This will not change the employee's eligible service time increases.

## **RULE 13: TRANSFER, PROMOTION, DEMOTION, LAYOFF, RESIGNATION, AND REINSTATEMENT**

### **SECTION 1. Transfer**

No person shall be transferred to a position for which the employee does not possess the minimum qualifications. Upon notice to the Human Resources Director, an employee may be transferred by the appointing power at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same pay grade, involving the performance of similar duties, and requiring substantially the same basic qualifications.

If the transfer involves a change from one department to another, both Department Heads must consent to the transfer with approval from the Human Resources Director. Transfers shall not be used to result in a promotion, demotion, advancement, or reduction, which may be accomplished only as provided in these Rules.

### **SECTION 2. Promotion**

Insofar as consistent with the best interests of the competitive service, all vacancies in the competitive service may be filled by promotion from within the competitive service, after a promotional examination has been given and a promotional list is established.

If, in the opinion of the Human Resources Director and the Department Head, a vacancy in the position could be filled better by an open-competitive examination instead of promotional examination, then such arrangements for an open-competitive examination and for the preparation and certification of an open-competitive employment list shall be made.

### **SECTION 3. Promotion of Police Officers**

- (a) Method of Promotion: Whenever a vacancy in the classified service exists, it may be filled by promotion from the next lower rank. Promotion shall be accomplished by means of a competitive process established by the Chief of Police or his designee, in consultation with the Human Resources Director. Should no eligible candidates apply, or should all candidates fail to pass, an original entrance examination may be held or re-examination for promotion may be conducted. Nothing in this section shall preclude the Human Resources Director and Department Head from filling the Police Captain positions through an open-competitive process consistent with Section 2 above.
- (b) Examination and Promotional Eligibility: To be eligible to enter an internal promotional examination process in the Police Department, a person must be employed in the City of Coeur d'Alene Police Department and hold a non-probationary position in the next lower rank.
  - **Police Sergeant**: To be eligible to test and promote to Police Sergeant, an officer must have at least thirty six (36) months of law enforcement experience with at least twenty-four (24) current consecutive months as a City of Coeur d'Alene Police Officer.

- Police Lieutenant: To be eligible to test and promote for Police Lieutenant, an employee must have worked at least twelve (12) current consecutive months as a City of Coeur d'Alene Police Sergeant.
- Police Captain: If the Police Captain position is filled from an internal promotion, an employee must have worked at least twelve (12) current consecutive months as a City of Coeur d'Alene Police Lieutenant.

#### **SECTION 4. Demotion**

The Department Head, upon consultation with the Human Resources Director, may demote an employee whose ability to perform the required duties falls below standard or for disciplinary purposes.

Upon request of the employee, and with the consent of the appointing power, demotion may be made to a vacant position. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee before or within three (3) days after the effective date of the demotion, and a copy filed with the Human Resources Director and placed in the employee's personnel file.

#### **SECTION 5. Layoff**

The Department Head, with the approval of the Personnel Officer, may lay off an employee in the competitive service because of a material change in duties or organization or shortage of work or funds. Ten (10) working days before the effective date of layoff, the Department Head shall notify the Personnel Officer and Human Resources Director of the intended action with reasons therefore, and provide a statement certifying whether or not the service of the employee has been satisfactory. A copy of such notice shall be given to the employee affected. If certified as having given satisfactory service, the name of the employee laid off shall be placed on the appropriate re-employment list as provided by these rules.

Reduction shall be based on merit and seniority within a given classification and shall include time served on military leave of absence.

#### **SECTION 6. Resignation**

An employee wishing to leave the competitive service in good standing shall file with the Department Head a written resignation stating the effective date and reasons for leaving at least two (2) weeks before leaving the service, unless such time limit is waived by the Department Head.

The employee's last physical day worked shall be the date of separation with the City and the employee shall not be eligible for any additional compensation past the last physical day worked. Any remaining eligible leave will be paid out to the employee in the employee's final check following their separation date per state law.

Human Resources may require the employee to report to Human Resources for an exit interview. The exit interview information will include payouts for the employee's final check as well as additional paperwork required at the time of separation. Failure to comply with this section may be cause for denying future employment by the City.

**SECTION 7. Reinstatement**

With the approval of the appointing power and the Human Resources Director, a regular appointed or probationary employee who has resigned with a good record may be reinstated within two (2) years of the effective date of resignation to a vacant position in the same or comparable class. The effective date of reinstatement, for all purposes, shall be the employee's new anniversary date.

## **RULE 14: CODE OF CONDUCT**

### **SECTION 1. Purpose**

City employees, volunteers, or interns are expected to conduct themselves in a professional manner that is both civil and cooperative. City employees are considered public employees and therefore are exposed to heightened public scrutiny in both their public and personal conduct. The Code of Conduct is established to assist in the understanding of both expected and unacceptable conduct. Outside the scope of authorized duties, City employees, volunteers, or interns are responsible for their conduct and have the responsibility to abide by applicable laws and policies.

### **SECTION 2. Conduct**

- (a) Expected Conduct: Each employee is expected to conduct himself/herself in a professional manner. In order to meet this standard, each employee must:
- 1) Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.
  - 2) Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
  - 3) Comply with dress standards established in the department for which the employee works. In the absence of any departmental dress standards, clothing will be appropriate for the functions performed and will convey an appropriate appearance to the public.
  - 4) Abide by all departmental rules and directions of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates any laws.
  - 5) Maintain the confidential nature of records that are not open to the public in accordance with City policy.
  - 6) Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
  - 7) Follow all workplace safety rules whether established formally by the department or by outside agencies.
  - 8) Report all accidents that occur or are observed on the job, or that involve City property, and cooperate as requested in the investigation of any such accident.
  - 9) Avoid conflicts of interest in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
  - 10) Adhere to any code of ethics of the employee's profession.
- (b) Unacceptable Conduct: Though it is not possible to list all behaviors that are unacceptable in the workplace, the following are examples of behavior that would be considered a violation of the City of Coeur d'Alene's Code of Conduct and employees are expected to refrain from behaviors that reflect adversely upon the City. Employees who violate these standards are subject to disciplinary action up to and including dismissal.
- 1) Fraud in securing employment or appointment;

- 2) Incompetency, inefficiency, inattention to or dereliction of duty;
- 3) Insubordination or willful disobedience;
- 4) Unauthorized leave of absence;
- 5) Conviction of a crime involving moral turpitude;
- 6) Reporting to work or working under the influence of alcohol, illegal drugs or controlled substances;
- 7) Misuse, abuse or appropriation for personal use of City property;
- 8) Excessive tardiness, abuse of sick leave or excessive lost time;
- 9) Knowingly or recklessly making a false statement to supervisors, co-workers, officials, the public, Boards or Commissions;
- 10) Violation of City ordinances, administrative regulations or departmental rules;
- 11) Refusal to be examined by a licensed physician (M.D.) designated by the City if required under these Rules;
- 12) Discourteous treatment of the public or another employee. Employees are expected to work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity;
- 13) Initiating or participating, or encouraging others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior which is likely to create discord and lack of harmony, or that willfully interferes with another employee's ability to do his/her job;
- 14) Engaging in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public;
- 15) Engaging in prolonged visiting with co-workers, children, friends or family members in a manner that interferes with work in the department in which the employee serves;
- 16) Using work time for personal business, including the selling of goods or services to the general public;
- 17) Using phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media;
- 18) Using work time to promote religious beliefs to members of the public or fellow employees;
- 19) Knowingly or recklessly making a false report or complaint regarding the behavior or conduct of others or participate in such report or complaint;
- 20) Releasing a public record, including personnel records, without the express authority of the public official responsible for custody of the record;
- 21) Use of any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that impairs the employee's ability to safely do his/her job, the employee is required to inquire with a physician and provide a physician's note explaining restrictions and/or any accommodations. The employee may be required to take leave while taking the medication.
- 22) Theft or inappropriate removal or possession of company property or the property of a fellow employee;
- 23) Intentional destruction of company property or the property of a fellow employee;
- 24) Unlawful possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
- 25) Failure to report an accident or injury or making false claims or inaccurate statements in the reporting of a job injury or accident;

- 26) Failure to obtain and maintain licensure requirements required as a condition of employment in the position;
- 27) Making malicious, vindictive, and/or false statements about others or participating in such a report or complaint;
- 28) Falsifying company records or reports, including one's time records or the time records of another employee;
- 29) Engaging in criminal conduct, as defined by law, of any kind while on or off duty;
- 30) Sleeping during scheduled work hours, with the exception of fire line staff working a 24 hour workday;
- 31) Harassing, discriminating, or engaging in inappropriate conduct towards another based upon that individual's protected class status as outlined in applicable laws or City policy.

These above restrictions are not intended to be all-inclusive of the proper standards of conduct or obligations that employees shall observe at all times. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action.

## **RULE 15: CORRECTIVE/DISCIPLINARY ACTION**

### **SECTION 1. Purpose**

This policy is intended to provide a structured corrective action process to respond to, improve and prevent recurrence of undesirable employee behavior and performance issues. The City will ensure that employees are treated with respect during the corrective action process and will comply with all applicable laws. Disciplinary action may include any or more of the following at the City's discretion: formal verbal reprimand, Letter of Official Reprimand, suspension without pay, demotion, disciplinary probation, and dismissal.

Members of the Fire Union shall refer to the applicable rules and regulations outlined in their collective bargaining agreement and Civil Service Rules and may elect to utilize the Grievance Procedure therein, or may elect to utilize the Appeals and Hearing procedure contained in the Civil Service Rules, but not both.

### **SECTION 2. Possible Violation of Policy**

When information alleging possible misconduct of an employee of a serious nature is brought to the attention of a Department Head or supervisor, he or she shall ensure Human Resources is promptly notified prior to any potential investigation unless disclosure would compromise an ongoing criminal investigation. For the purpose of this rule, serious nature is defined as misconduct that, if substantiated, would constitute a violation significant enough to result in an adverse employment action, such as discipline of suspension up to and including termination. The Human Resources Director, at his/her discretion, shall be allowed to monitor, assist, observe, and/or participate in any investigation and disciplinary decision.

For allegations involving conduct of City of Coeur d'Alene police personnel, the Coeur d'Alene Police Department's Office of Internal Affairs, or other supervisor designated by the Chief of Police, will conduct the investigation. If the alleged misconduct is regarding harassment, discrimination, or retaliation, the Human Resources Director shall participate in the investigation.

Prior to taking any adverse employment action against an employee, a Department Head must inform the City of Coeur d'Alene Human Resources and Legal Departments of the nature of the employee's conduct and the contemplated adverse employment action. Human Resources and Legal will then confer with ICRMP, together with the Department Head if practical, pursuant to ICRMP policy. The Department Head shall consider the advice of ICRMP or ICRMP's attorney, and the Human Resources and Legal Departments prior to taking any adverse employment action. If a Department Head fails to follow this policy, any deductible imposed under the ICRMP policy may be charged against the applicable Department budget. Additional consequences, if any, will be determined by the City Administrator.

### **SECTION 3. Authority for Disciplinary Action**

The City Administrator, in consultation with the Human Resources Director, Department Head, and Legal, as appropriate, may take disciplinary action against any employee. A Department Head may take disciplinary action against any employee under that individual's supervision.

Department Heads may delegate to supervisors the authority to relieve an employee of assigned duties in an emergency, pending further action by the Department Head.

#### **SECTION 4. Disciplinary Action**

Discipline is typically administered in a progressive manner so that the least amount of corrective action needed is used to correct the employee's conduct. However, the discipline issued will depend on the seriousness of the violation, which could include termination as the first disciplinary step. All matters involving discipline will remain confidential to the extent possible. A department can specify additional internal procedures to carry out purposes of this rule as long as they are consistent with the provisions of this rule.

#### **SECTION 5. Types of Corrective/Disciplinary Action**

- (a) Formal verbal reprimand: A verbal reprimand is to notify the employee of a deficiency and the action necessary to correct it. Formal verbal reprimands shall be documented, including the date and the basis of the discussion given to the employee.
- (b) Letter of Official Reprimand: If the employee fails to take corrective action after receiving a verbal reprimand, or the offense is deemed serious enough, an employee may receive a Letter of Official Reprimand.
- (c) Suspension: If the employee fails to take corrective action after receiving prior discipline, or the offense is deemed serious enough, an employee may be suspended without pay. Employees suspended without pay for 40 hours or more, shall not accrue vacation and sick leave time during their suspension. Suspension without pay shall not exceed thirty (30) calendar days and shall be served consecutively.
- (d) Demotion: If the employee fails to take corrective action after receiving prior discipline, or the offense is deemed serious enough, an employee may be demoted to a lower pay grade/classification, if a position exists.
- (e) Disciplinary Probation: If the employee fails to take corrective action after receiving prior discipline, or the offense is deemed serious enough, an employee may be placed on disciplinary probation. An employee on disciplinary probation shall continue to accrue vacation and sick leave time. An employee shall not be permitted to participate in promotional examinations or be considered for promotion while on disciplinary probation. Employee is not eligible for merit increase while on disciplinary probation. Disciplinary probation shall be for a period of not less than one (1) month and no more than twelve (12) months. Employees on disciplinary probation may be terminated for failure to meet job requirements.
- (f) Dismissal: If the employee fails to take corrective action after receiving prior discipline, or the offense is deemed serious enough, an employee may be terminated "for cause." Termination "for cause" means that the employee is terminated based on information allowing the City to reasonably conclude that the employee engaged in misconduct, and/or failed to perform in a satisfactory manner, and/or violated a policy or rule. An employee terminated by the City for cause shall receive all earned wages due and be paid for all current eligible accruals as required by state law.

#### **SECTION 6. Notice of Disciplinary Action**

After determining a particular alleged violation merits discipline, the Human Resources Director or a Department Head taking disciplinary action against an employee must give notice of

discipline in writing to the employee. The written notice of disciplinary action provided to the employee shall be reviewed by the Human Resources Director and Legal prior to delivery. Written notice of disciplinary action shall include:

- (a) A statement supporting the disciplinary action outlining the dates and times for the alleged offenses, and what the employee allegedly did, and shall reference any policies, rules, laws, or previous directives that the employee allegedly violated or received. The statement shall also contain expectations for corrective action.
- (b) A copy of the Right of Appeal procedure.

#### **SECTION 7. Intent to Dismiss, Pre-Termination Hearing, Dismissal**

When the disciplinary action to be taken is dismissal, the employee shall be provided an Intent to Dismiss letter in person or by certified mail, which includes the required statement supporting the disciplinary action.

The Intent to Dismiss letter provides the employee a reasonable opportunity to respond to the proposed disciplinary action. The Intent to Dismiss letter will include a scheduled date for a pre-termination hearing, which shall be set no later than ten (10) days following delivery of the notice to the employee. The pre-termination meeting shall include the Department Head, Human Resources Director, City Administrator, and Legal representative, or their designees. The employee is allowed to have representation present during the hearing. If the employee fails to attend the meeting, the City will base the final decision on the available evidence.

Following the pre-termination hearing, should the Department Head find there is sufficient cause to proceed with the dismissal, or other disciplinary action, the Human Resources Director or Department Head shall provide the written notice of such action, along with their appeal rights, not more than three (3) working days following the date of the pre-termination hearing.

#### **SECTION 8. Investigative File/Results**

At the conclusion of any investigation which results in disciplinary action, the original complaint, the final disciplinary documentation, and any written response provided by the accused, shall be provided to and maintained by Human Resources. Any documented discipline issued will remain the employee's personnel file.

## **RULE 16: GRIEVANCE PROCEDURES**

### **SECTION 1. Purposes**

This Rule is intended to:

- (a) Promote healthy and mutually beneficial employee-employer relations by establishing uniform and fair grievance procedures;
- (b) Encourage settlement of grievances as near as possible to the point of origin; and
- (c) Ensure fairness and consistency in the interpretation of the Personnel Rules and employee agreements.

### **SECTION 2. Definitions**

Day or Days: Shall mean calendar day or days.

Grievance: Shall mean a complaint or dispute by an employee in the competitive service, submitted as herein specified, arising from the application or interpretation of a specific section of the Personnel Rules, department rule, regulation, policy, or procedure, or any provision of the relevant employee agreement if not already covered under terms of a collective bargaining agreement.

### **SECTION 3. Grievable Issues**

An employee may file a grievance alleging that he or she has been or is being adversely affected by an improper application or interpretation of an employment related rule, regulation, policy, procedure, or collective bargaining agreement.

### **SECTION 4. The Grievance Process**

- (a) The Grievance Process has up to three steps: Informal Discussion, Formal Grievance, and the Personnel Appeals Board.
- (b) Every effort should be made to find an acceptable resolution of a grievance at the earliest possible step.
- (c) An employee may have representation of his/her choice at any step in the grievance process.
- (d) The failure to take any step in the grievance process within the time limits sets forth herein shall constitute a withdrawal of the grievance and a bar to further proceedings under this Rule.

### **SECTION 5. Informal Discussion**

- (a) The first step in the grievance process is Informal Discussion.
- (b) Within fifteen (15) days from the date of the incident which forms the basis of the grievance or from the date on which the employee became aware of such incident, whichever is later, the employee shall submit a Grievance Form which includes a written statement setting forth the details of the grievance to the employee's immediate

supervisor, the remedy or outcome desired, and the date of submission; PROVIDED, however,

- (1) If the employee's immediate supervisor was involved in the action or incident giving rise to the grievance, the written statement shall be presented to the employee's department supervisor or supervisor that is next in the chain of command, if any; or
  - (2) If the employee's department supervisor or supervisor that is next in the chain of command was involved in the action or incident giving rise to the grievance, the written statement shall be presented to the employee's Department Head; or
  - (3) If the employee's Department Head was involved in the action or incident giving rise to the grievance, the employee must pursue the Formal Grievance process provided in Section 6.
- (c) Within seven (7) days after receipt of the written statement of grievance, the employee and the person to whom the grievance was submitted shall meet to discuss the grievance and possible resolutions. The parties shall meet until a satisfactory resolution is reached or until either party determines that an impasse has been reached. If a satisfactory resolution is reached, the resolution must be recorded by the supervisor involved in the Informal Discussion on the Grievance Form where indicated. The completed Grievance Form, and any supplemental documentation, shall be forwarded to the Human Resources Director for review to ensure all applicable City policies, rules, regulations, and agreements have been followed. Once approved, the Human Resources Director will file resolved grievance documentation as stated in Section 11 of this Rule.
- (d) If a satisfactory resolution is not reached, the employee may present the written statement of grievance to the immediate supervisor of the person to whom the statement was originally presented within ten (10) days after the last Informal Discussion. The Informal Discussion will then follow the process set out in subsections (c) and (d) hereof until a satisfactory resolution is reached. The failure by the employee to take any step in the grievance process within the time limits set forth herein shall constitute a withdrawal of the grievance and a bar to further proceedings on that issue under this Rule. No action, or failure to act, by the City shall prejudice an employee's right to grieve.
- (1) If, at any time, the Informal Discussion is with the Department Head and a satisfactory resolution has not been reached, the employee must pursue a Formal Grievance if he/she wishes to pursue the grievance further.
- (e) Informal Discussion shall not be taken above the Department Head level.

## **SECTION 6. Formal Grievance**

- (a) If, after Informal Discussion, the employee does not believe the grievance has been satisfactorily resolved, the employee shall have the right to pursue a Formal Grievance in accordance with this Section.
- (b) A formal grievance must be commenced within fourteen (14) days from the date the employee received the decision on the Informal Discussion.
- (c) The Formal Grievance shall be presented using the Grievance Form to the Department Head or, if the Department Head was involved in the action or incident giving rise to the grievance, the Formal Grievance shall be presented in writing to the Personnel Officer. The grievance shall include the information required by the Grievance form, including the following:

- (1) A written statement and summary of the grievance and details of all previous efforts to resolve the issue; and
  - (2) A copy of the written complaint submitted in the informal grievance step; and
  - (3) A copy of the supervisor's written response to the employee's complaint; and
  - (4) An explanation of the employee's dissatisfaction with the supervisor's response; and
  - (5) The Formal Grievance shall include the date submitted to the Department Head (or Personnel Officer).
- (d) The Department Head (or Personnel Officer) shall discuss the grievance with the employee's supervisor involved in the Informal Discussion step, the Human Resources Director, and any other relevant persons with knowledge, and shall perform such inquiry as he/she deems appropriate under all of the circumstances. The Department Head (or Personnel Officer) shall render a decision in writing and provide it to the employee within fourteen (14) calendar days after receipt of the grievance.
  - (e) If the employee does not agree with the decision rendered by the Department Head, or if no answer has been received within fourteen (14) days, the employee may appeal in writing to the Personnel Officer.
  - (f) The Personnel Officer, or the Personnel Officer's designated representative, shall discuss the grievance with the employee and representative, if any, and with other persons with knowledge, and shall perform such investigation as he/she deems appropriate under all of the circumstances. The Personnel Officer shall render a decision in writing and provide it to the employee within fourteen (14) calendar days after receipt of the grievance.

## **SECTION 7. Personnel Appeals Board**

If, after the Formal Grievance, the employee does not believe the grievance has been satisfactorily resolved, the employee shall have the right to pursue the Personnel Appeals Board pursuant to Rule 17 of these Rules.

## **SECTION 8. Conduct of Grievance Procedure**

- (a) The time limits specified in this Rule may be extended to a definite date by mutual agreement of the employee and the reviewer concerned, but in no event by more than ten (10) days.
- (b) The employee and his/her representative, if any, shall be afforded a reasonable amount of work time, as determined by the appropriate Department Head, in conferring about and presenting the appeal. The intent is to make sure that the amount of work time on a grievance does not unduly interfere with normal work duties, while still ensuring the employee can adequately proceed with the grievance process and meet deadline requirements listed herein.
- (c) Employees shall not be subject to harassment or retaliation for using the grievance procedure.

**SECTION 9. No Prejudice to Right to Appeal**

Any action taken by an employee pursuant to this Rule shall in no way jeopardize the right to such employee to a hearing before the Personnel Appeals Board if such a hearing is otherwise authorized by Rule 17.

**SECTION 10. Recordkeeping**

Upon resolution of a grievance at any step, the Department Head shall notify the Human Resources Director of the grievance and resolution, and provide the completed Grievance Form and all supplemental documentation which will be properly maintained in Human Resources per the Records Retention Manual. Neither the grievance nor the resolution shall be placed into the Employee's personnel file except in the case of discipline imposed pursuant to the Personnel Rules. Human Resources will maintain records of the grievance process confidentially and securely.

## **RULE 17: PERSONNEL APPEALS PROCEDURES**

### **SECTION 1. Method of Appeal**

Appeals shall be filed in writing within forty two (42) days of notice of disciplinary action, subscribed by the appellant and filed with the Human Resources Director, who shall, within five (5) working days after receipt of the appeal, inform each member of the Personnel Appeals Board, the appointing power and such other persons or officers named or affected by the appeal or the filing of the appeal. The appeal shall be a written statement, addressed to the Personnel Appeals Board, explaining the matter appealed from and setting forth therein a statement of the action desired by the appellant, with the reasons therefore. The formality of a legal pleading is not required. The Personnel Appeals Board shall hear the appeal as prescribed by Rule I, Section 3.

### **SECTION 2. Notice**

Upon the filing of an appeal, the Personnel Appeals Board shall set a date for the hearing on the appeal not less than ten (10) days, nor more than forty two (42) days from the date of the filing. The Human Resources Director shall notify all interested parties of the date, time and place of the hearing at such place as the Personnel Appeals Board shall prescribe.

### **SECTION 3. Investigation**

Upon the filing of an appeal, the Personnel Appeals Board may make such independent investigation of the matter as it may deem necessary. The result of such investigation shall be made a part of the record of the proceedings and the appellant shall have the right to answer or to present evidence in opposition to the findings of this independent investigation within ten (10) working days after the Personnel Appeals Board files the findings of the investigation.

### **SECTION 4. Hearing**

The appellant and/or their representative shall appear personally, before the Personnel Appeals Board at the time and place of the hearing. The appellant may be represented by any person or attorney as he/she may select and may at the hearing produce on his/her behalf relevant oral or documentary evidence. If the appellant elects to be represented by an attorney, he/she shall so advise the City five (5) working days before the hearing.

The City Attorney or his or her designee shall advise the Personnel Appeals Board regarding procedural aspects of the hearing. The appellant shall state his/her case first and, at the conclusion, opposition material may then be presented. Rebuttal material not repetitive may be allowed at the discretion of the Personnel Appeals Board. Cross examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Personnel Appeals Board by its chairman, with due regard to the rights and privileges of the parties appearing before it. Hearings shall be conducted in private unless such officer or employee requests a public hearing. Said body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated. The hearing need not be conducted according to technical rules relating to evidence and witnesses.

**SECTION 5.****Findings and Recommendations**

The Personnel Appeals Board shall within ten (10) days after the conclusion of the hearing, certify its findings and decision in writing to the appellant, the Human Resources Director or body from whose action the appeal was taken, and to the City Council. The City Council shall review the findings and recommendations of the Personnel Appeals Board and may then affirm, revoke or modify the action taken as, in its judgment, seems warranted, and the Council's action shall be final. Any member of the Personnel Appeals Board may submit a minority or supplemental finding and recommendation.

## **RULE 18: TRAINING OF EMPLOYEES**

### **SECTION 1. Responsibility for Training**

The City Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Personnel Officer and Department Heads. Such training programs may include lecture courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

### **SECTION 2. Credit for Training**

Participation and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Human Resources Director.

## **RULE 19: CITY PROPERTY**

### **SECTION 1. Purpose / Intent**

This rule pertains to the use of City property, equipment, and electronic communication and information systems (hereinafter referred to as “Networks.”) Examples of networks include, but are not limited to, all employee utilized Internet services and networks (whether owned and operated by the City or not) including e-mail and instant messaging.

### **SECTION 2. Employees Not to be Party to Purchase or Sale of Property**

- (a) City property shall not be purchased by City employees, their spouse, members of their immediate household or a business in which the employee/spouse/household member has a financial interest.
- (b) The City shall not purchase any property from City employees, their spouse, members of their immediate household or a business in which the employee/spouse/household member has a financial interest.
- (c) Found property by a City employee in the course of employment shall become City property and is subject to the provisions of this rule.

### **SECTION 3. Use of City Property**

All City property, including vehicle, shall only be used by City employees and for City business only. Individuals other than City employees shall not be transported in City vehicles except those individuals required to be transported in connection with City business.

### **SECTION 4. Use of Electronic Communication Equipment**

- (a) Employee Responsibility: While utilizing the networks, the employee must understand the technologies, be accountable for their actions, and avoid abuse of the network. Additionally, the employee shall act on the networks as they would in any other business interchange by using common etiquette and considering the implications of a communication before initiating it. If an employee finds a security loophole, it is the employee’s responsibility to report it to the Information Technology Network Administrator “IT Administrator.”
- (b) Public Records: Electronic files are treated the same as paper files. All documents in the files of employees are considered public documents, and may be subject to inspection, and copying, unless exempted under Idaho Code. A public records request or request for information should follow the same procedures for paper files, and the City Attorney should be consulted where appropriate. Employees should be aware that the electronic messages they send and store may one day be required to be disclosed to other parties.
- (c) Purchases, Installation, and Moving: The purchase, installation and moving of equipment (including PDA, music players, personal laptops, etc.), and all software shall be reviewed and authorized in advance by the IT Administrator at the written request of the Department Head. Software must be City sanctioned and have the appropriate

licenses, which shall be kept on file by the IT Administrator. The City prohibits the illegal duplication of software and its related documentation.

- (d) Uploaded/Downloaded: Uploading and downloading authority of executable files (including but not limited to files with .exe and .scr extension such as software, program/application installers, script, active X components, screen savers, etc.) is not allowed. Other authorized uploading and downloading authority will be provided on an as needed basis by the IT Administrator, for work-related information only. No attempt shall be made to tamper with or disable virus scanning applications.
- (e) Instant Messaging: Instant messaging shall not be allowed on the City networks, unless authorized by the IT Administrator. Exterior systems, such as Mobile Summit, shall be subject to the rules regarding appropriate content, personal use, and public records laws.
- (f) Specifically Unacceptable Uses: Unacceptable uses include, but are not limited to, the following:
  - (1) Using the networks for any purpose which violates local, state, or federal laws, rules, regulations, or ordinances or to use the networks to conduct any business or activity or solicit the performance of any activity which is prohibited by law.
  - (2) Using the networks for commercial or other profit activities or other non-City business matters and/or for personal gain.
  - (3) Employees may not attempt to bypass accounting or security mechanisms, or attempt to circumvent protection schemes or uncover security loopholes.
  - (4) Misrepresenting your identity or affiliation in network communications, or unauthorized use of another person's identity or password, or attempting to seek another person's password without authorization.
  - (6) Personal use that consumes large quantities of bandwidth, such as web radios, podcasts, streaming videos, social meeting/networking websites (such as Myspace).
  - (7) Causing congestion on the networks by sending such things as chain letters, mass mailings, or broadcasting inappropriate messages to individuals or lists of individuals that disrupts productivity.
  - (8) Using the networks for access to and distribution or sending of:
    - (i) harassing, intimidating, abusive, offensive, objectionable, defamatory, intentionally, inaccurate, obscene, profane, sexually oriented, threatening, or racially or ethnically offensive material, except during the course of investigations approved by the Chief of Police, City Attorney, or their designees;
    - (ii) pornographic materials or offensive representation or descriptions of sexual acts, or images that contain nudity or words of profanity or sexually suggestive nature, even if the recipient has consented to or requested such material, except in the course of investigations approved by the Chief of Police, City Attorneys, or their designees;
    - (iii) materials sent or received in violation of the protection of children against the Sexual Exploitation Act of 1977, as amended, 18 U.S.C. 2252;
    - (iv) computer games, gambling;
    - (v) transmission of jokes, comments, or information that tend to despair others based upon race, color, ethnical ancestry, origin, gender, sexual orientation, age, disability, religion, marital status, verbal accents, source of income, physical appearance or agility, mental or physical disability, occupation, or political belief;

- (vi) intentionally seeking out information on, obtaining copies of, modifying or tapping into files and other data which are confidential under federal, state, or local laws, unless specifically authorized to do so, once the legal conditions for release are satisfied. Allowing someone else to access sensitive or confidential information whether in your trust or not, is also prohibited;
  - (vii) distributing or copying sensitive or proprietary data or software and/or running peer to peer file sharing applications (such as Napster);
  - (viii) violating copyright law;
  - (ix) vandalism. Degrading or disrupting equipment, software or system performance, any malicious attempt to harm or destroy data of another user, internet or other networks; or the destruction of computers and their peripherals, installing and running a computer virus on any network;
  - (x) jeopardizing the security of the City's Networks and/or refusing to cooperate with a security investigation;
  - (xi) participating in or conducting unethical activity that may reflect badly upon or adversely affect the City of Coeur d'Alene;
  - (xii) excessive personal use.
- (g) Security/Passwords: Employee's passwords must be safeguarded and must not be displayed. Passwords are not to be revealed to any unauthorized personnel. Authorized personnel are those persons so designated by an employee's immediate supervisor. All employees are to advise management immediately if it is believed that unauthorized access was attempted or gained through the network. If an authorized user inappropriately discloses his password to another individual, disciplinary action may be taken. If an employee terminates employment for any reason, the employee's Department Head must notify the IT Administrator or his or her designee immediately so that the employee's password can be removed from the network. Employees shall always make a reasonable attempt to complete the logoff or other termination procedures when finished using the network.
- (h) Access: The networks are beneficial tools to meet the needs of the employee to complete their job duties. Personal use is generally conducted during breaks and lunch periods, and is otherwise prohibited during an employee's scheduled work hours; however any use that is excessive or disruptive is inappropriate. Employees are responsible for the use of their assigned computer, and shall supervise any non-employee use. Non-employee personal use is at the approval and discretion of the Department Heads, and shall be limited to immediate relatives (and may be further regulated by Department policy.) Personal use of the internet in excess of twenty (20) hours per month is prohibited. Access time, whether for work purposes or after work hours, will be monitored, along with the sites selected.
- (i) Development Software Ownership: Any software developed by the City of Coeur d'Alene, is the property of the City of Coeur d'Alene and shall not be sold or given to anyone without written consent of the City of Coeur d'Alene.
- (j) Mobile/Laptop Users: The City prohibits connecting to unsecured or non-approved wireless access points, unless it is provided as a service by direct patronage or a written agreement of the wireless provider. An example of direct patronage would be wireless service provided with hotel room fee and coffee establishments that have made it available with purchase of goods. Unsecured access points provide no security in their connection, and you should expect no privacy.

- (k) Discipline: Any violation of these rules may include at a minimum a verbal warning of the infraction and suspension of access privileges. Depending upon the nature of the abuse, the employee may receive additional sanctions including dismissal.

**SECTION 5. Modification of City Property**

City property shall not be modified or altered in any manner that will decrease the effective use of the property. Each proposed modification or alteration shall be approved by the Department Head prior to making same.

**SECTION 6. Privacy Advisory**

City equipment, uniforms, electronics, networks, facilities, phones, voice mail systems, vehicles, etc., hereinafter referred to as tools, which are the property of the City of Coeur d'Alene, and are provided to employees for efficiency and communication purposes. As such, employees do not have a reasonable expectation of privacy when using said tools. Management has the right, without prior approval, to access and monitor office space, desk, computers, all phone activity, all electronic conversations, communications, and information sought or obtained, to read all messages and to inspect mail and documents sent to or by anyone via the network and to monitor and access databases, files, electronic storage systems, and programs accessed by anyone on the network. All messages, data files, communications, materials, documents, etc. on a computer network are the property of the City of Coeur d'Alene and may be accessed by authorized personnel, for any lawful reason, including but are not limited to, verifying compliance with these rules. Employee access to the network will be determined by each Department Head, with reasonable notification to the IT Administrator, to create a new account.

## **RULE 20: AUTHORIZATION AND PROCEDURES FOR EXPENSE REIMBURSEMENT**

### **SECTION 1. Purpose; Definitions**

- (a) Purpose and Administration: This Rule provides employees and public officials (claimants), who incur authorized non-travel, travel, meals, registration, and related expenses while on City business and for job-related educational courses, reasonable and timely procedures for reimbursement of such necessary expenditures when submitted with a valid receipt, or, in the case of per diem funds, the calculation for meal and incidental expenses. It is the intent of this policy that the Department Heads shall review and approve the most efficient and economical method of travel.
- (b) Valid Receipt: For the purposes of the Personnel Rules, a “valid receipt” is a receipt that includes the date of purchase, name of the business, and an itemized list of purchases/services received.
- (c) Non-allowable Expenses: These expenses include, but are not limited to, alcoholic beverages, tobacco products, personal entertainment, theft, loss or damage to personal property, expenses of a spouse, family or other persons not authorized for reimbursement under this policy, barber or beauty parlor services, trip insurance, personal postage, reading material, personal toiletry articles, and parking or traffic tickets. Claimants are responsible for becoming knowledgeable about authorized expenditures and the documentation required. Unnecessary or excessive expenditures, and those not directly and reasonably related to the conduct of City business, or a reimbursement request submitted without a valid receipt when required, will not be paid or reimbursed by the City.
- (d) Daily Per Diem Allowance: A daily per diem allowance is the amount given to a claimant to cover expenses for meals, beverages, and related gratuities, and all other tips and gratuities whether related to meals or otherwise.

### **SECTION 2. Allowable Expenditures**

- (a) Meals: The claimant’s cost of food and beverages, with the exception of alcoholic beverages, and related gratuities, in the amounts provided by this Rule.
- (b) Travel: Reimbursement for the reasonable cost of business travel is authorized by this Rule; however, such costs shall be approved in advance by the Department Head. Travel costs such as parking, and ferry or bridge tolls are reimbursable. The City will not pay any fines associated with vehicular travel, such as parking tickets or traffic tickets. If personal travel is combined with business travel, the claimant shall be responsible for paying any increase in costs necessary to accommodate the personal portion of the trip. If changes in travel plans occur as a result of City business requirements, the associated costs shall be paid by the City. Increases in costs of travel due to changes for personal convenience shall be borne by the claimant.
- (c) City Vehicle: Reasonable and necessary out-of-the-City costs of vehicle operation are authorized, such as gas, oil, and, under emergency conditions only, tires and necessary repairs.
- (d) Car Rental: The most economical and practical rental car available should be used. The City’s P-card is the preferred payment method. A detailed receipt must be submitted to the department upon return.

- (e) Personal Vehicle: Reasonable and necessary expenses shall be reimbursed at a rate per mile not to exceed the current maximum rate allowed by the Internal Revenue Service for business travel expense deductions (hereinafter referred to as the "I.R.S. RATE"). Reimbursement is based on the distance from the normal worksite or from the claimant's home, whichever is closer. The most direct and/or efficient routes mileage shall be used when computing mileage reimbursement. Valid documentation includes the route and mileage according to MapQuest, Yahoo, or Google Maps, or another reliable source which supports the distance submitted. Any claimant receiving the I.R.S. RATE for use of a personal vehicle must pay for the gas; City gas cards cannot be used under those circumstances. If an employee chooses to travel in a personal vehicle but has access to a City vehicle for travel, they are not eligible to receive mileage reimbursement. If a claimant chooses to travel in a personal vehicle when a common carrier is reasonably available, reimbursement will be limited to the mileage rate or the cost of the common carrier, whichever is less.
- (f) Air Travel: The claimant must provide Airfare receipts which include the flight schedule. Baggage fees charged by commercial airlines are allowable charges with valid receipts. Additional costs, including in-flight services, premium seating, pre-boarding charges, internet access, or entertainment, are not allowed and shall be the responsibility of the claimant.
- (g) Other Travel Expenses: Miscellaneous travel costs which are reasonable and necessary such as bus, taxi, bridge, parking and ferry fares are allowable charges with valid receipts that must be submitted for Department Head approval.
- (h) Overnight Travel for City Business: To be eligible for reimbursement for overnight travel expenses, one of the following must be met.
  - (1) The one-way travel distance must be greater than 50 miles; or
  - (2) Consecutive hours away from the work place must be greater than twelve (12) hours.
- i) Lodging; Hotel/Motel Accommodations: Claimants are encouraged to obtain the government rate, if available, when booking lodging. The claimant must provide the final itemized hotel bill showing the daily room charges, meals, telephone calls, and any other expenses charged to the room.
- (j) Tax Implications: If travel does not require an overnight stay and is less than 50 miles away, the per diem allowance would be taxable unless a valid expense report is submitted.

### **SECTION 3. Per Diem Allowance Advance**

- (a) The per diem allowance may be requested in advance by completing the City of Coeur d'Alene travel expense form which must be approved by the Department Head and submitted to the Finance Department for payment. Advances will be released no sooner than two weeks prior to the date of travel or training.
- (b) The claimant's per diem allowance is calculated as described in this section. If the claimant's trip or training is canceled, any advance shall be repaid to the Finance Department within ten (10) days of the date of cancellation.
- (c) The daily per diem allowance will be calculated based upon the duration and location of travel, timeframes of travel, and meals provided by others, while using established procedures delineated within the Idaho State Travel Policy and Procedures Guidelines (the "Guidelines"). The daily per diem allowance rates will be tied to the Idaho State Board of Examiners pursuant to Appendix B to the Guidelines.

- (d) If the claimant is traveling to/through more than one location in a day, the per diem rate for the area where they stop to sleep shall be used.
- (e) No receipt or other evidence of expenditure is required.
- (f) No item of cost covered by the daily per diem allowance will be reimbursed as a separate item.
- (g) For a partial travel day, the allowance is adjusted based on the first allowable meal in accordance with the percentages set out herein. The City will not pay more than 100% of the allowance for any given travel day. If claimant is entitled to three meals, the full per diem will be provided.
  - (1) Breakfast - 25% allowed when leaving at 7 am or earlier/return at 8:00 am or later.
  - (2) Lunch - 35% allowed when leaving at 11:00 am or earlier/return 2:00 pm or later.
  - (3) Dinner - 55% allowed when leaving at 5:00 pm or earlier/return at 7:00 pm or later.
- (h) If claimant attends a seminar or conference in which one or more meals are included in the registration fee, the daily allowance amount will be adjusted according to the percentages in subparagraph g.
- (i) Other complimentary meals or beverages such breakfast provided via the lodging accommodations will not be considered when determining per diem allowance.
- (j) Local Formal Conferences, Training or Seminars: If claimant is required to attend a seminar or training within the local area then the reimbursement for reasonable and necessary expenses such mileage and parking are an allowable expense. Mileage is reimbursed according to Section 2 (e) of this policy. Per diem is allowable when:
  - (1) a meal is not provided as part of the registration package; and
  - (2) the above time frames and percentages are met.

#### **SECTION 4. Reimbursement**

- (a) Expenses paid with personal funds: After the trip, the City of Coeur d'Alene travel expense form must be filled out, with all required valid receipts stapled to it with the exception of items not covered by the per diem allowance, and submitted to the Department Head for approval. After approval, the Department Head shall submit the form to the Finance Department within fifteen (15) working days of the completion of the travel. The per diem allowance shall be calculated according to Section 2 above.
- (b) Meals purchased using the City P-Card: Any use of the City issued P-card must comply with the terms and conditions of the City's Purchasing Card Program Policies and the Purchasing Card User Agreement the employee signed when the card was issued. After the trip, the City of Coeur d'Alene travel expense form must be completed using the per diem allowance according to Section 2 above and submitted to the Department Head for approval. After approval, the Department Head shall submit the form to the Finance Department within fifteen (15) working days of the completion of travel. Any expenditure exceeding the maximum allowable amount for meals and incidentals charged on the City P-card must be refunded to the Finance Department **within fifteen (15) days of the completion of the trip**. Any non-allowable expenses as defined in Section 1(c) above, must be paid back immediately and may result in disciplinary action. If funds are not refunded to the City as required, the failure may be grounds for disciplinary action and/or garnishment from the employee's wages, which may become taxable earnings to the employee. If the amount charged on the P-card is less than the maximum allowable amount for meals and incidentals, no further action is required and the claimant will not be entitled to any difference.

- (c) A check for the amount due will be issued on the next available check run after the approvals are secured and the reimbursement form, with attached necessary valid receipts, is turned in to the Finance Department.

## **SECTION 5. Official Representation**

Official Representation: Reasonable and necessary expenses, such as the actual cost of a meal, mileage, and parking fees, are allowable for employees or Public Officials who attend professional meetings or other official business within the local area. To reimburse the actual meal cost in this instance, a valid receipt must be submitted. The details regarding who was in attendance, the location of the event, and a description of the subject matter of the event must be included with the receipt. There must be at least one person in attendance who is not a city employee. Local meals are not eligible for the per diem allowance. Mileage is reimbursed according to Section 2 (e) of this policy. The City's P-card is the preferred method of payment in these situations.

## **SECTION 6. Third Party Funded Travel**

When a third party will reimburse the cost of any part of a claimant's travel, the name of the third party must be submitted with all travel documents. Any reimbursement must be paid directly to the City. Any third party reimbursement that exceeds allowable costs of this policy will be returned to the third party or retained by the City if the third party does not provide for partial refunds. Under no circumstance shall the claimant retain any excess reimbursement.

## **SECTION 7. Partial Reimbursement for Tuition Reimbursement**

There is hereby adopted a policy for partial reimbursement at the in-state undergraduate tuition rates for public education institutions in Idaho. Unless a different reimbursement rate or percentage is established with an employees' association, the City shall reimburse an employee one hundred percent (100%) with an "A" or "B" grade and eighty percent (80%) with a "C" grade for any courses approved in advance by the Human Resources Director. Approved courses need to be directly related to the employee's present position or expected promotional position, but which courses are not required by the City and are attended upon the employee's personal volition.

Due to budget limitations and available funds, the City may not be able to approve all tuition reimbursements requests. All books, supplies, and travel expenses shall be paid by the employee and the approved courses shall be taken outside of regularly scheduled working hours. Human Resources shall administer this program in accordance with practices and procedures established by the City Council. The total amount paid by the City for tuition reimbursement shall be that amount set in the annual budget and employees will be reimbursed on a first-come, first-serve basis.

If an employee voluntarily separates from the City's employment within two years of receipt of tuition reimbursement, he/she agrees to reimburse the City in full for the total amount of tuition reimbursement paid by the City to the employee.

## **RULE 21: EMPLOYMENT RECORDS**

### **SECTION 1. Official Personnel File**

There shall be only one official personnel file for each employee and that file shall be maintained in Human Resources. Human Resources shall maintain a personnel file for each employee in the service of the City. The employment records shall include, but not be limited to, applicant records, employee records, and retiree records.

Within these personnel files will be kept all records of employee wages, performance evaluations, employment status, disciplinary action, and other relevant materials related to the employee's service with the City of Coeur d'Alene. The employee's supervisor and the employee himself/herself may contribute materials to the personnel files relevant to the employee's employment and approved by the Human Resources Director.

### **SECTION 2. Access to Personnel File**

Only Human Resources, the employee's supervisor and Department Head, the Mayor, attorneys for the City, and the employee are authorized to view materials in the personnel file. Based upon the general confidentiality of personnel files, access by the individuals listed above to such files will be allowed only when authorized after consultation with legal counsel for the City and only for legitimate employment related reasons.

Information regarding personnel matters will only be provided to other outside parties with a release from the employee, if deemed necessary by legal counsel for the City, or pursuant to Court order. The City reserves the right to disclose the contents of personnel files to authorized state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself in civil or criminal litigation. An employee shall have the right to review his/her personnel file at any reasonable time, subject to the restrictions of Idaho Code §74-113(3), and copies of such materials in an employee's personnel file are available to that employee without charge.

### **SECTION 3. Employee Benefits/Medical Files**

A benefits/medical file is maintained by Human Resources for each employee and kept in a separate file from the employee's official personnel file. Benefits/Medical files include, but are not limited to, employee benefit elections, family medical leave, medical certification, return to work notes, and sick leave bank applications. This file is only accessible by the employee and Human Resources.

If an employee provides their department with any medical documentation, the supervisor shall forward the documentation to Human Resources. Departments shall not keep or retain a copy of any medical information.

### **SECTION 4. Disclosure to the Public**

Except to individuals allowed access as specified in Section 2, only the following information may be released to the general public about current or separated employees: employment history,

classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to an employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, discipline information, correspondence and performance evaluations, and protected health information, shall not be disclosed the public without the employee's or applicant's written consent, except as allowed by law.

**SECTION 5. Change-of-Status Report**

All employment changes for an employee, including, but not limited to, appointment, transfer, promotion, demotion, change of wage, discipline, separation, and other temporary or permanent change in status of employees, shall be reported promptly to Human Resources for proper documentation.

**SECTION 6. Destruction of Records from Personnel Files**

The records contained in an employee's personnel file are considered an official record of the City and shall not be removed or destroyed from the personnel file until the file is purged in accordance with the City's records retention schedule.

## **RULE 22: DRUG/ALCOHOL POLICY**

### **SECTION 1. Purpose**

The City of Coeur d'Alene (hereinafter the "City") is committed to protecting the safety, health and well-being of all employees and members of the public its employees encounter in the course of performing their jobs. We recognize that alcohol abuse and drug use pose a significant threat to our goals. The City is committed to assuring a drug and alcohol-free program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

### **SECTION 2. Drug and Alcohol Free Workplace**

Employees will work alcohol and drug free in order to perform their jobs in a safe and efficient manner. This policy is designed to prevent alcohol and prohibited drug use, and to encourage employees who need to seek help. Any employee who is found to be in violation of the Drug/Alcohol Free Workplace policy shall be subject to disciplinary action up to and including termination. In addition, the employee may be subject to criminal prosecution as determined by the prosecutor, should such violation be subject to police investigation. As a condition of employment with the City, all employees are required to abide by the terms of this policy.

### **SECTION 3. Prohibited Behavior**

- (a) It is the policy of the City that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or prescription medication, both on and off the job, is prohibited on or in any property of the City.
- (b) Employees will not be permitted to work with a detectable level of alcohol or prohibited substance in their system, unless that substance is a medication currently prescribed by a licensed physician (or other appropriate healthcare professional) for specific treatment of the employee.
- (c) Employees will not perform any job functions where the use of doctor-prescribed medication may negatively affect their safety and/or the safety of others, or their job performance.
- (d) The City prohibits the adulterating or attempted adulteration of a urine specimen, or refusing to submit to an alcohol or controlled substances test required or requested pursuant to this policy.
- (e) Engaging in any of these prohibited acts may lead to disciplinary action up to and including termination.

### **SECTION 4. Notification of Arrest or Citation**

Any employee who is arrested or cited of any criminal alcohol or drug related statute or ordinance must notify their supervisor and the City Human Resources staff within five calendar days of the arrest or citation.

### **SECTION 5. Drug/Alcohol Testing**

- (a) To ensure the accuracy and fairness of our testing program, the City will test designated positions as provided by the regulations of the United States Department of

Transportation (DOT), Controlled Substances and Alcohol Use and Testing, 49 CFR Part 382.

- (b) The City will test all new appointments and current employees of the City (to include employees transferred/promoted to other positions since a change of position constitutes a new appointment) who operate commercial vehicles and all “safety sensitive positions”. A “safety sensitive position” is defined as one in which the duties that are performed as a regular part of the job could reasonably be expected to affect the health, safety, and security of citizens. “Safety sensitive positions” include those which require employees to:
  - (1) Qualify and maintain qualification standards to carry firearms;
  - (2) Perform emergency medical, lifesaving, and/or fire suppression activities;
  - (3) Supervise other employees during the performance of critical functions (those which require employees to qualify to carry firearms, perform emergency medical, lifesaving and/or fire suppression activities);
  - (4) Operate, maintain or inspect emergency vehicles, heavy equipment, or vehicles having a gross combined weight rating of 26,001 or more pounds and/or carrying lifesaving equipment used for emergency services;
  - (5) Exercise custodial responsibility for illegal drugs or precursors;
  - (6) Supervise minor children and/or to monitor and maintain parks, playgrounds, Libraries, or beach areas; and
  - (7) Handle hazardous materials which, if mishandled, would place the general public at risk of serious injury.
  - (8) Engage in some special and obvious physical or ethical demands which, if compromised, could have detrimental consequences upon public and co-worker safety or security.

## **SECTION 6. Testing Guidelines**

- (a) Confidentiality: All information received by the City through the drug and alcohol-free workplace program is confidential communication. All test results will be maintained by the Human Resources Office and access will be limited to the employee’s supervisor or as otherwise required under DOT regulations. Test results will be made available to other parties only upon specific written consent of the individual tested and to those persons who may be directly involved in any disciplinary procedure, or upon court order.
- (b) The City will test for the following substances:
  - (1) Cannabinoids (Marijuana)
  - (2) Cocaine
  - (3) Opiates
  - (4) Amphetamine
  - (5) Phencyclidine (PCP)
  - (6) Benzodiazepines
  - (7) Ecstasy
  - (8) Alcohol
- (c) The City agrees to utilize an independent Substance Abuse and Mental Health Services Administration certified laboratory which conforms with the United States Department of Health and Human Services (USDHHS) certification guidelines to ensure test accuracy.

## SECTION 7.

### Types of Testing

#### (a) Pre-employment Testing

- (1) All new appointments who operate commercial vehicles and those in “safety sensitive positions” (to include employees transferred/promoted to other positions since a change of position constitutes a new appointment), shall take, and must pass, a drug and alcohol test as a condition of employment.
- (2) All prospective CDL drivers must disclose to the City all previous employers for whom they have worked as a driver within the past two (2) years. The City will then request from those employers all information regarding any incidents where the prospective employee has tested positive for illegal drugs or alcohol, or refused to test. In the event that the City receives information from a past employer that the prospective employee has tested positive for drugs or alcohol within the last ninety (90) days, that prospective employee will not be offered employment, or their conditional employment will be terminated, with the City.

(b) Reasonable Suspicion Testing: The City shall require an employee to be tested for drugs or alcohol when there is reasonable suspicion to believe the employee has consumed drugs or alcohol while at work or is under the influence of drugs or alcohol while at work. When a supervisor has reasonable suspicion, either by personal observation or from reports from another employee or the public, to believe that an employee on duty has consumed drugs or alcohol when reporting for work or when acting within the scope and course of employment (must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee), the supervisor shall take appropriate measures to reduce any immediate safety risks and shall report the matter immediately (or as soon as practical) to his/her supervisor and the Human Resources staff. In the absence of a supervisor, an employee who has reasonable suspicion to believe another employee on duty has consumed drugs or alcohol is authorized to take such steps which appear necessary to reduce any immediate safety risks and such employee shall, as soon as possible, report the situation to a responsible supervisor and/or the Human Resources staff.

(c) Random Testing: All CDL drivers and those in “safety sensitive positions” will be subject to unannounced random drug and alcohol testing. Random testing selections shall be made by a scientifically valid method that will result in each employee having an equal chance of being tested each time selections are made. Random testing for drugs and alcohol will take place just prior to, during, or just after an employee’s duty time. The City is notified of the randomly selected employees on a monthly basis. The day and time the employee(s) is sent for testing is at the discretion of the Human Resources Staff.

(d) Post-Accident Testing: All employees operating a city vehicle, a personal vehicle, or a commercial vehicle requiring a CDL license who is involved in a vehicular accident of any kind or degree while in the course and scope of duties for the City must notify his/her supervisor and/or the Human Resources staff of the accident as quickly as possible and comply with instructions given regarding drug and alcohol testing.

Any employee required to be tested under this section must remain readily available for such testing and shall not consume alcohol or take any drug other than prescription medications for eight (8) hours after the accident or the testing is completed, whichever is sooner.

Any supervisor or Human Resources staff member to whom a vehicular accident is reported shall

follow the current Post-Accident Decision Tree to determine if drug and alcohol testing is required. In addition, the supervisor or Human Resources staff member may require drug and alcohol testing if reasonable suspicion exists to believe that the employee involved in a vehicular accident was under the influence of drugs or alcohol at the time of the accident. The supervisor or Human Resources staff member may also contact law enforcement for assistance.

The purpose of Post-Accident drug and alcohol testing is to obtain information to assist the City in determining whether administrative disciplinary action is warranted. If, during the Post-Accident drug and alcohol testing, information is obtained or disclosed which indicates that the employee may be guilty of criminal conduct with regard to the accident, neither the information nor anything derived from that information will be used against the employee in any criminal proceeding.

## **SECTION 8. Drug & Alcohol Testing Procedures**

- (a) Drug specimen collection procedures: All testing for drugs will be done by the testing of an employee's urine specimen.  
All such testing will utilize the split specimen collection procedure. Under that procedure, each employee will have his/her urine specimen sealed in two separate containers and both sent to a certified laboratory for testing. If an employee's first specimen tests positive, that employee may request, within three (3) days of the positive notification, that the other specimen be tested at another certified laboratory. During the time the second specimen is being tested, that employee will be suspended without pay. Any employee who has a second test come back negative will be given back pay for the time of the suspension. All specimen collections will be conducted by personnel that have been instructed and trained in collection procedures set by the DOT.
- (b) Adulteration or submission of a concealed specimen: If, during the collection procedure, the collection monitor detects an effort by an employee to adulterate or substitute a specimen, a second specimen will be requested. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, the collection monitor will inform Human Resources staff of the employee's refusal to submit a true specimen. Such conduct by the employee will be considered as a refusal to provide a true specimen for testing. In the event that a prospective or current employee submits a specimen that the laboratory later identifies as a diluted specimen, the City will advise the employee of that result and request that employee submit a second specimen. Such employee will be advised by the City not to drink any fluids prior to the test.
- (c) Alcohol testing procedure: All testing for alcohol will be done by the use of an approved breath testing device, operated by a trained and qualified breath alcohol technician (BAT). Blood testing for alcohol will only be allowed when a breath testing device is not readily available.
- (d) Refusal: An employee for the City may not refuse to take a drug or alcohol test when requested to do so, consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive for drugs and alcohol.

An employee will be considered as refusing to test if she/he expressly refuses to take a test when so requested, or otherwise fails to provide an adequate breath or urine sample without a valid medical explanation. Additionally, an employee will be considered as refusing to test if she/he engages in conduct that clearly obstructs the testing process, including but not limited to

providing or attempting to provide an adulterated or substitute specimen.

**SECTION 9. Test Result Notification**

- (a) The City has arranged that all test results, both drug and alcohol, will be forwarded to the City’s Human Resources staff through the City’s designated Medical Review Officer (MRO). Prior to Human Resources being informed that a prospective or current employee has tested positive for drugs, the employee will be offered an opportunity to personally discuss a positive drug test with the MRO or his/her representative. The MRO will follow up on such information as is appropriate. Any employee who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the employee’s test result will be reported as negative. If, after consideration of the matter, the MRO finds no reason to doubt the validity of the positive test, that result (including the identity of the drug, if applicable) will be conveyed to the City’s Human Resources.

If the employee cannot be located, the MRO or his/her representative may request that the City contact arrange for the employee to contact the MRO as soon as possible to discuss the results of the test. The MRO will communicate a positive result to the City without discussing the result with the employee if the employee expressly declines the opportunity to discuss the results of the test, or the employee is instructed by the City to contact the MRO and fails to do so within 24 hours, excluding weekends.

**SECTION 10. Testing Positive for Drugs or Alcohol**

- (a) Any prospective employee who tests positive for the presence of drugs or alcohol will not be hired. In addition, prospective employees will not be allowed to reapply and/or retest.
- (b) Any current employee (to include any new appointment, transfer or promotion) who tests positive for the presence of drugs or alcohol will be subject to disciplinary action, up to and including dismissal.
- (c) Any employee who tests positive for drugs or alcohol and who is allowed to continue to be employed by the City will be referred to the City’s Employee Assistance Program (EAP) and will be required to take and pass a drug and/or alcohol test, at the employee’s expense. Thereafter, such employee will be subject to six (6) unannounced random drug and/or alcohol tests over the next twelve (12) months (follow-up testing), all at the employee’s own expense. The requirement of random drug and/or alcohol tests will be in addition to any other discipline deemed appropriate. Follow-up testing will also be required of CDL drivers who tested positive for drugs or alcohol within the past two (2) years while employed by another company.

**SECTION 11. Grounds for Discipline**

An employee may be found in violation of this policy on the basis of any appropriate evidence including, but not limited to:

- (a) The unlawful use, distribution, or possession of controlled substances, including alcohol, drugs, and related paraphernalia, by an employee while on the job; or

- (b) The unlawful use or abuse of drugs, alcohol, or other controlled substances by an employee on or off the job, which results in an employee having detectable levels of such substances in his/her body while on duty; or
- (c) Evidence obtained from an arrest or criminal conviction that arises while the employee is at the workplace, or that affects the employee's ability to perform job duties.

Discipline shall be in accordance with Personnel Rule 15 governing employee discipline.

## **SECTION 12. Voluntary Treatment**

It is the City's intent to emphasize education and prevention of substance abuse, and not to rely on testing and disciplinary measures alone to deal with alcohol and drug use in the workplace. A fundamental purpose of the City's Drug/Alcohol Free Workplace Policy is to assist employees who are seeking treatment for alcohol or drug use. For this reason, the City will not initiate disciplinary action against any employee who meets all three of the following conditions:

- (a) Voluntarily identifies him/herself as a user of alcohol and/or illegal drugs and/or an abuser of prescription medications, as referenced by this policy, prior to being identified through other means;
- (b) Obtains evaluation, counseling or rehabilitation through the Employee Assistant Program (EAP) or other professionally recognized organization; and
- (c) Thereafter refrains from using illegal drugs, abusing prescription medications, or misusing alcohol.

Any employee of the City who considers themselves alcohol or drug dependent and who voluntarily identifies themselves as such will be referred to the City's EAP. Conscientious efforts to seek and use such help will not jeopardize an employee's job. The EAP counselor will complete an evaluation, provide counseling, and recommend relevant treatment and rehabilitation.

## **SECTION 13. Employee Assistance Program (EAP)**

- (a) Purpose: To assist employees who may need help in dealing with substance abuse or other personal problems which may be contributing to on-the-job behavior or performance difficulties. It provides free evaluation from a qualified, professional counselor. The City recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug and alcohol-free workplace policy:
  - (1) Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
  - (2) Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
  - (3) Offers all employees and their family members in their household confidential assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

Please feel free to consult, in complete confidence, with the Human Resources staff for guidance in identifying appropriate resources to help deal with such problems.

#### **SECTION 14. Shared Responsibility**

A safe and productive drug and alcohol-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties may be impaired due to on or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug and alcohol-free workplace policy.
- Observe employees performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program (EAP).
- Clearly state consequences of policy violations.

#### **SECTION 15. Communication and Training**

Communicating our drug and alcohol-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug and alcohol-free workplace program:

- All current employees will receive a copy of the updated policy.
- All employees will receive a written copy of this policy during new employee orientations.
- The policy will be reviewed at safety meetings.
- Supervisors will receive training to help him/her recognize and manage employees with alcohol and other drug problems.
- Employees will receive information and instructions on how to access resources through the City's current Employee Assistance Program (EAP).

## **RULE 23: WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION**

### **SECTION 1. Objective**

The City of Coeur d'Alene is committed to maintaining a supportive and civil workplace, one in which all employees, volunteers, and interns are treated with respect and dignity. Each employee, volunteer, and intern has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices. In keeping with these values, the City of Coeur d'Alene prohibits discrimination, harassment, and retaliation. The City of Coeur d'Alene will make reasonable efforts to ensure that all employees, volunteers, and interns are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

### **SECTION 2. Individuals and Conduct Covered**

This policy applies to all employees, volunteers, and interns, whether the conduct is by a fellow employee, volunteer, or intern, or by someone not directly connected to the City of Coeur d'Alene (e.g., an outside vendor, consultant, citizen, or customer). Conduct prohibited by this policy is unacceptable in the workplace and includes all aspects of being an employee and in any work-related setting outside the workplace.

### **SECTION 3. Definitions**

- (a) **Participation in the workplace**: includes all aspects of being an employee, volunteer, or intern at the City of Coeur d'Alene, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, travel and training, business-related social events, termination, and/or retirement.
- (b) **Workplace Discrimination**: when a person is treated adversely with respect to their participation in the workplace. Workplace Discrimination usually involves decisions made by supervisors or department heads that affect the workplace status and benefits of the employee.

Examples of illegal adverse employment actions are: not hiring a qualified applicant due to his/her age, not promoting an employee due to his/her religious beliefs, denying an employee a raise due to his/her race, disciplining an employee more harshly than others due to his/her sex, and terminating an employee due to his/her national origin.

- (c) **Workplace Harassment**: unwelcome conduct that is directed to a person that interferes with their participation in the workplace. The offensive conduct must be *severe or pervasive* such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of illegality.

Examples of offensive conduct are: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put downs, offensive objects or pictures.

- (d) **Workplace Sexual Harassment:** is a specific type of workplace harassment and since it is particularly destructive to the work environment it is more thoroughly addressed herein. Sexual harassment occurs when a person is subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual, or physical harassment of a sexual nature that is so severe or recurring such that it creates a hostile or offensive work environment. Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity, or gender expression.

Sexual harassment is unlawful whether it involves co-workers, supervisors, department heads, or members of the public. Examples of sexual harassment are:

- (1) Leering, whistling, making sexual gestures, or displaying derogatory and/or sexually suggestive objects, pictures, cartoons, posters, or drawings;
- (2) Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes, or comments;
- (3) Verbal or non-verbal unwelcome sexual advances or propositions;
- (4) Threatening or making reprisals after negative response to sexual advances;
- (5) Offering employment benefits such as raises, promotions, assignments, and job retention in exchange for sexual favors (i.e., quid pro quo, something for something);
- (6) Unwanted physical conduct such as touching, massaging, pinching, patting, or hugging; and
- (7) Physical interference with normal work or movement such as impeding or blocking movement.

- (e) **Hostile Work Environment:** discrimination or harassment in the workplace in which comments or conduct unreasonably interferes with participation in the workplace. To a reasonable person, the comments or conduct must be *severe or pervasive* such that it creates an intimidating or offensive work environment. Isolated incidents, petty slights, occasional teasing or impolite behavior are generally not sufficient to create a hostile work environment.

Examples of a hostile work environment are: being subject to racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions, receiving unwelcome sexually explicit emails from a coworker, and physical harassment like hitting, pushing, groping, and other touching.

- (f) **Workplace Retaliation:** when an employee is punished or negatively treated with respect to their participation in the workplace, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation, or refusing to follow orders that would result in discrimination or harassment. Retaliation

can result from employment action taken by a supervisor, department head, or other employees.

The City of Coeur d'Alene prohibits retaliation against any individual who reports discrimination or harassment in good faith or who participates in an investigation of such reports.

Examples of conduct that might be considered retaliation are: assigning the employee to less desirable tasks or shifts in the department, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

- (g) **False Allegation**: when an employee files a claim or allegation of wrongdoing that he/she knows or in the exercise of reasonable care should know is untrue and/or otherwise unsupported by facts.

#### **SECTION 4. Responsibilities**

- (a) **Employee Responsibilities**: An employee who believes he/she has been subjected to, or observed another individual be subjected to, incidents of discrimination, harassment, sexual harassment, hostile work environment, or retaliation should report the incident as soon as possible after the occurrence. Unless an employee is found to have intentionally made a false allegation, or is found to have made a false allegation when in the exercise of reasonable care he/she should have known the allegation was false, an employee who reports shall not be subject to discipline for making the report. Reporting should be made to any of the following:

- Supervisor
- Department Head
- Human Resources Director
- City Administrator

- (b) **Supervisor Responsibilities**: All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, hostile work environment, retaliation, or the development of a work environment that may become hostile. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

- Encourage employees to report any violations of this policy before the harassment becomes *severe or pervasive*.
- Ensure the Human Resources Department is made aware of any inappropriate behavior in the workplace.
- Create a work environment where sexual and other harassment, discrimination, or retaliation is not tolerated.
- Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment, or hostile work environment.

- Report any complaint of unlawful discrimination, harassment, sexual harassment, or hostile work environment. Reporting should be made to a supervisor, department head, Human Resources Director, or the City Administrator.

## **SECTION 5. Reporting Procedure**

The City of Coeur d'Alene encourages reporting of all perceived incidents of discrimination, harassment, sexual harassment, hostile work environment, or retaliation, regardless of the party's identity or position. In addition, the City of Coeur d'Alene encourages individuals who believe they are being subjected to such conduct to promptly advise the party that his or her behavior is unwelcome and to request that it be discontinued and immediately report that behavior, ideally in writing, to the Human Resources Director, City Administrator, or Department Head. If an employee believes there is an immediate threat to the safety of themselves or others, they should contact law enforcement authorities and not engage the party.

## **SECTION 6. Investigation and Confidentiality**

Whenever the City of Coeur d'Alene is made aware of a situation which may violate this policy, the City of Coeur d'Alene will conduct an immediate, thorough, and objective investigation of any discrimination, harassment, sexual harassment, hostile work environment, or retaliation claim.

The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The City of Coeur d'Alene will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action, and the requirements of due process.

Misconduct constituting discrimination, harassment, sexual harassment, hostile work environment, or retaliation will be dealt with appropriately. Responsive action may include discipline up to and including termination, as the City of Coeur d'Alene believes appropriate under the circumstances.

At the conclusion of the investigation process, the complainant should be informed of the results of the investigation and that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

Retaliation against an individual for reporting harassment or discrimination, or for participating in an investigation of a claim of harassment or discrimination, is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

False and malicious complaints of discrimination, harassment, sexual harassment, hostile work environment, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

## **RULE 24: WORKPLACE VIOLENCE PREVENTION**

### **SECTION 1. Objective**

The City of Coeur d'Alene is committed to preventing workplace violence and maintaining a safe work environment. Violence in the workplace poses a threat to the safety of employees and the public. The City will not tolerate acts and behaviors that are likely to result in the workplace violence, including but not limited to, abusive language, hitting or shoving, threats of bodily harm, threats or acts of violence, brandishing of an object which may be used as a weapon, sending threatening, harassing or abusive email and faxes, using the workplace to violate protective orders, horseplay, and stalking.

### **SECTION 2. Prohibited Conduct**

This policy applies to all employees, volunteers, and interns, whether the conduct is directed at a fellow employee or to someone not directly connected to the City of Coeur d'Alene (e.g., an outside vendor, consultant, citizen, or customer). Conduct prohibited by this policy is unacceptable in the workplace and includes all aspects of being an employee and in any work-related setting outside the workplace.

### **SECTION 3. Definition**

Weapon shall mean any pistol, rifle, shotgun or other firearm of any kind whether loaded or unloaded, air rifle, air pistol, explosive, blasting caps, knife, hatchet, ax, slingshot, blackjack, metal knuckles, mace, iron buckle, baseball bat, ax handle, chains, crowbar, hammer, stick, pole, nunchucks, or other club or bludgeon, or any other instrumentality customarily used or intended for probable use as a dangerous weapon.

### **SECTION 4. All Weapons Banned**

To assure compliance with the intent of Idaho Code §18-3301, 18-3302C, and 18-3303, the City of Coeur d'Alene will not allow any employee, volunteer, or intern, other than sworn law enforcement personnel and employees properly acting within the scope of their official duties, to be in the possession of any weapon inside City buildings/facilities. Additionally, any employee with a concealed weapons permit shall not be allowed to bring a weapon into City buildings/facilities.

All employees, volunteers, or interns, other than sworn law enforcement personnel and those acting within the scope of their duties which require the carrying and/or transport of a weapon outside City buildings/facilities, are prohibited from carrying or transporting weapons when using City-owned vehicles. Employees who use their own vehicle for city business are not required to remove personal weapons that they carry in their vehicle, provided that they comply with all state, federal and local laws regarding said weapon.

### **SECTION 5. Reporting Procedure**

All employees are responsible for minimizing workplace violence. All acts or threats of violence should be promptly reported to a supervisor, department head, Human Resources Director, or

City Administrator. Employees should also report situations that they believe could lead to workplace violence, including but not limited to protective orders or other no-contact orders.

## **SECTION 6. Investigations and Enforcement**

The City of Coeur d'Alene will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The City of Coeur d'Alene will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action, and with due process.

Any employee, who is determined to be responsible for acts or threats of violence, or other conduct listed in this section, will be subject to prompt disciplinary action up to and including termination of employment.

## **RULE 25: SMOKING POLICY**

### **SECTION 1. Purpose**

Idaho Code Section 39-5501, prohibits smoking in public places and at public meetings. Additionally, Public Health Officials have concluded that secondhand tobacco smoke causes disease, including lung cancer and heart disease, in nonsmokers. The purpose of this policy is to comply with State law and to protect other employees and members of the public who do not smoke from the dangers of second hand smoke.

### **SECTION 2. Policy**

- (a) Smoking by employees is prohibited during the employee's work hours in all public buildings and areas and within vehicles owned, operated, leased, or used by the City of Coeur d'Alene, except at the specific times and locations allowed by this policy.
- (b) Authorizing non-employees to smoke in city vehicles or in areas other than designated smoking areas is prohibited.
- (c) Smoking is only allowed during the employee's schedule break and lunch periods.

### **SECTION 3. Definitions**

- (a) Public buildings and areas: Any enclosed indoor place or portion of a place owned, leased or rented by the city.
- (b) Smoking: Includes the possession of any lighted tobacco and the use of e-cigarettes.

### **SECTION 4. Location**

- (a) Smoking is only allowed in designated smoking areas.
- (b) Smoking within twenty (20) feet of all public entrances and exits is prohibited.
- (c) In the event that an employee is working off of public property where smoking areas have been designated, smoking is only allowed in locations at least 20 feet away from any building entrance or HVAC system intake and away from any area where it may create safety concerns, such as around gasoline, in areas where flammable solvents and liquids are stored or used, etc.

## **RULE 26: APPOINTED OFFICERS AND DEPARTMENT HEADS**

### **SECTION 1. Purpose/Intent**

The purpose of this rule is to establish consistent rules and policies for appointed officers and Department Heads as defined herein.

### **SECTION 2. Definitions**

For the purposes of this section, the following terms have the following meanings:

- (a) Appointed Officers: The City Administrator, City Attorney, City Clerk and City Finance Director.
- (b) Department Heads: All appointed officers and the Community Planning Director, Fire Chief, Human Resources Director, Library Director, Parks and Recreation Director, Police Chief, Director of Engineering and Streets, Wastewater Superintendent and Water Superintendent.
- (c) City Administrator: The person appointed by the Mayor and approved by the City Council to fill the position of City Administrator in the adopted classification and compensation plan.
- (d) Library Director: The person appointed by the Library Board of Trustees to fill the position of Library Director in the adopted classification and compensation plan.

### **SECTION 3. Conditions of Employment**

- (a) FLSA Exempt: Department Heads are executive exempt employees under the Fair Labor Standards and are ineligible to receive compensatory or overtime pay.
- (b) At Will: Unless specifically agreed to in writing and approved by the city council, Department Heads are at-will employees, with no right to continued employment or employment benefits. This section is not a contract of employment and is not intended to specify the duration of employment or limit the reasons for which a Department Head may be discharged. All provisions of this section will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail. Only a written contract expressly authorized by the city council can alter the at-will nature of Department Heads employment by the City, notwithstanding anything said by the Mayor or City Council. The framework for disciplinary actions and termination contained in this section guides the processes to be taken when a Department Head violates employment policies or fails to adequately perform his/her duties but are not required. Similarly, progressive steps may be implemented in order to encourage improved performance or attitude, but are not required.
- (c) Residency: At the discretion of the City Administrator, Department Heads may be required to reside within a twenty (20) minute driving response time to the city limits.
- (d) Duties: Department Head duties and responsibilities are outlined in the adopted job description for each position.
- (e) Application of Personnel Rules: Department Heads are subject to the following personnel rules unless otherwise modified by this section:

- (1) Rule 1, Section 11, Standards of Conduct;
  - (2) Rule 11, Section 4, Sick Leave;
  - (3) Rule 11, Section 5, Bereavement Leave;
  - (4) Rule 11, Section 6, Military Leave;
  - (5) Rule 11, Section 8, Witness and Jury Leave;
  - (6) Rule 11, Section 10, Holidays;
  - (7) Rule 11, Section 11, Family and Medical Leave;
  - (8) Rule 11, Section 12, Retirement Medical Benefit;
  - (9) Rule 19, City Property;
  - (10) Rule 20, Authorization and Procedures for Expense Reimbursement;
  - (11) Rule 22, Drug Policy;
  - (12) Rule 23, Workplace Discrimination, Harassment and Retaliation;
  - (13) Rule 24, Workplace Violence Prevention; and
  - (13) Any other rule that, by its terms, is specifically applicable to Department Heads.
- (f) In addition to the personnel rules listed above, Department Heads must follow all policies and procedures applicable to them that are approved by the city council by resolution.

#### **SECTION 4. Initial Appointment**

- (a) Appointment:
- (1) Department Heads (Excluding Appointed Officers and Library Director): Department Heads are appointed by the City Administrator in consultation with the Mayor and the Human Resources Director. The Mayor and a representative of the City Council may serve on the selection committee.
  - (2) Library Director: The Library Director is appointed by the Board of Library Trustees as provided by I.C. 33-2607 and 33-2608.
  - (3) Appointed Officers: Appointed officers are appointed by the Mayor and confirmed by the City Council as provided by I.C. 50-204 and 50-205. In selecting a candidate for appointment the Mayor will consult with the Human Resources Director.
- (b) Compensation: Department Heads will be appointed and paid a salary within the range identified in the currently adopted classification and compensation plan.
- (c) Promotional Appointments: Current city employees who are promoted to a Department Head position will receive a minimum of a 10% salary increase and must use any accrued compensatory time at a rate of at least 40 hours a year until the accrued compensatory leave balance is exhausted.
- (d) Vacation Accrual Credit for Past Work Experience: A newly hired Department Head may be given credit for vacation accrual based on past similar work experience. In order to qualify, the new Department Head must provide their previous job description and any other relevant information to the Human Resources Director who will review the information to determine if the prior position was sufficiently similar to the adopted job description for the position to warrant vacation accrual credit for the past work experience.

## SECTION 5.

### Benefits

(a) Vacation:

- (1) Accrual Rate: Vacation accruals will be earned over twenty-four (24) pay periods rather than twenty-six (26) pay periods. This means in the two months when employees receive three wage disbursements, employees will not receive accruals on the third disbursement. Vacation leave for Department Heads will accrue as follows:
  - (i) 1<sup>st</sup> through 3<sup>rd</sup> Year of Service: 8 hours of leave accrues for each complete month of service; accrued at a rate of four (4) hours per pay period.
  - (ii) 4<sup>th</sup> through 5<sup>th</sup> Year of Service: 12 hours of leave accrues for each complete month of service; accrued at a rate of six (6) hours per pay period.
  - (iii) 6<sup>th</sup> through 10<sup>th</sup> Year of Service: 16 hours of leave accrues for each complete month of service; accrued at a rate of eight (8) hours per pay period.
  - (iv) After ten (10) or More Years of Service: 20 hours of leave accrues for each complete month of service; accrued at a rate of ten (10) hours per pay period.
- (3) Maximum Vacation Accrual: Department Heads may not accumulate more than 360 hours of vacation leave. Any excess vacation leave as of October 1<sup>st</sup> of each year will be forfeited unless used by January 15<sup>th</sup> of the following year unless otherwise approved by the City Administrator in writing.
- (4) Vacation Accrual During Leave: No vacation leave will be accrued after 60 consecutive days of absence.
- (5) Reporting Usage: Vacation usage must be reported on time records in half day increments.

(b) Sick Leave:

- (1) Accrual Rate: Sick leave accruals will be earned over twenty-four (24) pay periods rather than twenty-six (26) pay periods. This means in the two months when employees receive three wage disbursements, employees will not receive accruals on the third disbursement. Department Heads will accrue ten (10) hours for each month of service; accrued at a rate of five (5) hours per pay period.
- (2) Reporting Usage: Sick leave usage must be reported on time records in half day increments.
- (3) Sick Leave Bank: Department Heads are eligible to participate in the sick leave bank.
- (4) Maximum Sick Leave Accrual: Department Heads may not accumulate more sick leave than is allowed for other employees as outlined in Rule 11, Section 4.
- (5) Compensation for Sick Leave: Department Heads may select either of the two options for compensation for excess sick leave contained in Rule 11, Section 4.
  - (i) If employee selects Option 1: Employees having accumulated more than the usable balance of sick leave shall be paid for thirty-three and one-third percent (33 1/3%) of the excess leave forfeited on October 1 of each year, and such payment shall be distributed directly into the employee's HRA VEBA account.
  - (ii) Sick Leave Balance upon Retirement: Sick leave accruals paid out at retirement will be deposited into the Department Head's HRA VEBA account.

- (c) Compensation/Performance Based Salary Increases:
  - (1) Department Heads (Excluding City Administrator and Library Director): All Department Heads are eligible for a pay increase of up to 8% twelve months after their appointment date and annually thereafter based on a performance evaluation by the City Administrator. The City Administrator will consult with the Human Resources Director in performing the evaluation. If the Department Head disagrees with the evaluation, the Department Head may request that the Mayor review the evaluation.
  - (2) City Administrator: The City Administrator is eligible for a pay increase of up to 8% twelve months after his or her appointment date and annually thereafter based on a performance evaluation by the Mayor. The Mayor will consult with the Human Resources Director in performing the evaluation.
  - (3) Library Director: The Library Director is eligible for a pay increase of up to 8% twelve months after his or her appointment date and annually thereafter based on a performance evaluation by the library board of trustees in conjunction with the City Administrator.
  - (4) Maximum Salary: Department Head salaries cannot exceed the maximum amount authorized in the currently adopted classification and compensation plan.
- (d) Cost of Living Increases: In addition to performance-based salary increases, Department Heads will receive annual cost of living increases as approved by Council. Cost of living increases will be effective at the beginning of the pay period that includes October 1<sup>st</sup>.
- (e) Car Assignment: The City Administrator will authorize car assignments based upon adopted city policies for vehicle assignment and usage. The Department Head must follow all adopted city policies for vehicle usage.
- (f) Severance: The city will provide four (4) months of salary and continuation of the benefits listed in subsection (5)(g) below, to Department Heads except when the Department Head voluntarily retires or resigns or is discharged from employment during the first year of employment or as a result of a felony conviction.
- (g) Additional Benefits: Department Heads will receive the same VEBA, medical, dental and vision insurance, Social Security (F.I.C.A.), PERSI, life insurance, and long term disability insurance authorized by the council for the employees represented by LCEA.

**SECTION 6. Organization and Supervision**

- (a) Department Heads (Excluding Appointed Officers and Library Director): Department Heads are supervised by the City Administrator.
- (b) Library Director: For organizational purposes, the Library Director coordinates work assignments and reports to the City Administrator. However, the Library Director serves at the pleasure of the Board of Library Trustees and is supervised and evaluated by the Board.
- (c) Appointed Officers (Excluding the City Administrator): For organizational purposes, the appointed officers (excluding the City Administrator) coordinate work assignments, report to, and receive performance evaluations from the City Administrator. However, appointed officers serve at the pleasure of the Mayor and City Council.
- (d) City Administrator: The City Administrator reports to, and is supervised by, the Mayor. The City Administrator serves at the pleasure of the Mayor and City Council.

## SECTION 7.

### Termination of Employment

- (a) Department Heads (Excluding Appointed Officers and Library Director): Department Heads may be terminated by the City Administrator in consultation with the City Attorney and Human Resources Director. The Department Head may request that the Mayor and City Council review the decision to terminate his or her employment prior to the termination becoming final by filing a written request with the Human Resources Director within 2 business days after receiving written notice of the City Administrator's decision to terminate his or her employment. Prior to the City Council's vote to approve the City Administrator's termination of a Department Head, the Department Head will be provided an opportunity to address the Mayor and City Council and present information concerning his or her pending termination. The City Council may discuss the matter in Executive Session, pursuant to Idaho Code §74-206(1)(b), however the vote on the matter must occur in an open meeting. The Mayor shall not vote except in the case of a tie vote. The City Council shall vote on the matter at the meeting at which the evidence and argument is completed or at the next regularly scheduled meeting, but no later.
- (b) Appointed Officers: Appointed officials will be terminated in accordance with I.C. 50-206. The Mayor and/or City Council will make the determination to terminate the appointed officer in consultation with the City Attorney and Human Resources Director. Prior to the City Council's vote to approve the Mayor's termination of an appointment officer or to initiate the termination of an appointed officer, the officer will be provided with an opportunity to address the Mayor and City council and present information concerning his or her pending termination.
- (c) Library Director: The Library Director may be terminated by the Library Board of Trustees in consultation with the City Attorney, Human Resources Director and City Administrator consistent with the Board of Trustees' adopted by-laws and I.C. 33-2606 and I.C. 33-2608.

## **RULE 27: FLSA EXEMPT EMPLOYEES**

### **SECTION 1. Purpose/Intent**

The purpose of this rule is to establish consistent rules and policies for FLSA exempt employees other than Department Heads.

### **SECTION 2. Definitions**

For the purpose of this section, the following term has the following meaning:

- (a) FLSA Exempt: Employees responsible for management within a city department, and under the day to day guidance and supervision of the Department Head, includes the following positions: Accountant, Assistant Street & Engineering Superintendent, Assistant Wastewater Superintendent, Assistant Water Superintendent, Senior Planner, Attorneys, Comptroller, Deputy Fire Chiefs, IT Network Administrator, Network Specialist, IT Database Application Developer, IT Systems Analyst Coordinator, Police Captains, Project Coordinator, Assistant Project Manager, Project Managers, Building Official, City Engineer/Lead Project Manager, Parks Superintendent, Recreation Superintendent and Capital Program Manager.

### **SECTION 3. Conditions of Employment**

- (a) FLSA Exempt: FLSA exempt employees are classified as exempt employees under the Fair Labor Standards Act and are ineligible to receive compensatory or overtime pay.
- (b) Residency: At the discretion of the city administrator, certain FLSA exempt employees may be required to reside within a twenty (20) minute driving response time to the city limits.
- (c) Duties: FLSA exempt employees' duties and responsibilities are outlined in the adopted job description for each position.
- (d) Application of Personnel Rules: FLSA exempt employees are regulated by the personnel rules except as specifically provided by this rule or as otherwise provided by a written agreement.
- (e) FLSA exempt employees follow the observed Holidays listed in Rule 11, Section 10.
- (f) In addition to the personnel rules, FLSA exempt employees must follow all policies and procedures applicable to them that are approved by the City Council by resolution.

### **SECTION 4. Appointment**

- (a) Compensation: FLSA exempt employees will be appointed and paid a salary within the range identified in the currently adopted classification and compensation plan.
- (b) Promotional Appointments: Current city employees who are promoted to a FLSA exempt position will receive a minimum of a 10% salary increase and must use any accrued compensatory time at a rate of at least 40 hours a year until the accrued compensatory leave balance is exhausted.

## SECTION 5.

## Benefits

### (a) Vacation:

- (1) Accrual Rate: Vacation accruals will be earned over twenty-four (24) pay periods rather than twenty-six (26) pay periods. This means in the two months when employees receive three wage disbursements, employees will not receive accruals on the third disbursement. Vacation leave for FLSA exempt employees will accrue as follows:
  - (i) 1<sup>st</sup> through 3<sup>rd</sup> Year of Service: 8 hours of leave accrues for each complete month of service; accrued at a rate of four (4) hours per pay period.
  - (ii) 4<sup>th</sup> through 5<sup>th</sup> Year of Service: 12 hours of leave accrues for each complete month of service; accrued at a rate of six (6) hours per pay period.
  - (iii) 6<sup>th</sup> through 10<sup>th</sup> Year of Service: 16 hours of leave accrues for each complete month of service; accrued at a rate of eight (8) hours per pay period.
  - (iv) After ten (10) or more Years of Service: 20 hours of leave accrues for each complete month of service; accrued at a rate of ten (10) hours per pay period.
- (2) Existing Accrual Rate: The employee will not lose any vacation leave accrued at the time the employee becomes an exempt employee.
- (3) Maximum Vacation Accrual: FLSA exempt employees may not accumulate more than 360 hours of vacation leave. Any excess vacation leave as of October 1<sup>st</sup> of each year will be forfeited unless used by January 15<sup>th</sup> of the following year unless otherwise approved by the city administrator in writing.
- (4) Vacation Accrual During Leave: No vacation leave will be accrued after 60 consecutive days of absence.
- (5) Reporting Usage: Vacation usage must be reported on time records in half day increments.

### (b) Sick Leave:

- (1) Accrual Rate: Sick leave accruals will be earned over twenty-four (24) pay periods rather than twenty-six (26) pay periods. This means in the two months when employees receive three wage disbursements, employees will not receive accruals on the third disbursement. FLSA exempt employees will accrue ten (10) hours for each month of service; accrued at a rate of five (5) hours per pay period.
- (2) Reporting Usage: Sick leave usage must be reported on time records in half day increments.
- (3) Sick Leave Bank: FLSA exempt employees are eligible to participate in the sick leave bank.
- (4) Maximum Sick Leave Accrual: FLSA exempt employees may not accumulate more sick leave than is allowed for other employees as outlined in Rule 11, Section 4. FLSA exempt employees may select either of the two options for compensation for excess sick leave contained in Rule 11, Section 4.
  - (i) If employee selects Option 1: Employees having accumulated more than the usable balance of sick leave shall be paid for thirty-three and one-third percent (33 1/3%) of the excess leave forfeited on October 1 of each year, and such payment shall be distributed directly into the employee's HRA VEBA account.

(ii) If employee selects Option 2: Upon retirement, FLSA exempt employees (with the exception of Deputy Fire Chiefs) shall be paid for thirty-five percent (35%) of the employee's banked excess sick leave. Deputy Fire Chiefs shall be paid for forty-one (41%) of employee's banked excess sick leave.

(c) Compensation/Performance Based Salary Increases:

(1) All FLSA exempt employees are eligible for a pay increase ranging from 5% to 8% 12 months after their appointment date and annually thereafter based on a performance evaluation from the department head.

(2) Maximum Salary: FLSA exempt employees' salaries cannot exceed the maximum amount authorized in the currently adopted classification and compensation plan.

(d) Cost of Living Increases: In addition to performance based salary increases, FLSA exempt employees will receive annual cost of living increase as approved by Council. Cost of living increases will be effective at the beginning of the pay period that includes October 1<sup>st</sup>.

(e) Car Assignment: The city administrator will authorize car assignments based upon adopted city policies for vehicle assignment and usage. The FLSA exempt employee must follow all adopted city policies for vehicle usage.

(g) Additional Benefits: FLSA exempt employees will receive the same VEBA, medical, dental and vision insurance, Social Security (F.I.C.A.), PERSI, life insurance, and long-term disability insurance authorized by the council for the employees represented by LCEA.

(1) Social Security for Deputy Fire Chiefs: Acknowledging that a referendum was held resulting in the loss of Social Security coverage for the Deputy Fire Chiefs, the City agrees, in lieu of paying Social Security employer contributions, to contribute 6.2% of the Deputy Fire Chiefs compensation into their PERSI Choice plan with a required minimum employee match of 1%. This applies to any compensation that would have otherwise been taxable social security wages. If the Social Security tax obligation is, at any time changed for general employees, the City's contribution to the Deputy Fire Chiefs shall also be changed to the then-current Social Security employer rate.

(2) Administrative On-Call Compensation for Deputy Fire Chiefs: The Fire Chief shall create a quarterly on-call rotating weekly schedule for the Deputy Fire Chiefs. The City agrees to compensate the Deputy Fire Chiefs for a total of one hundred thirty-two (132) hours per fiscal year in recognition of their scheduled on-call service outside of their typical work schedule. The completed annual schedule and hours shall be approved by the Fire Chief and submitted to the Human Resources Director for payment in conjunction with the fire department's annual holiday pay compensation report. If the Deputy Fire Chief does not complete the required on-call hours, compensation will be pro-rated accordingly. Compensation shall be paid on or before December 1<sup>st</sup> of each year for the entire preceding calendar year. Compensation shall be based on Deputy Fire Chiefs' base hourly rate of pay when work was completed and shall be paid once a year.