

CITY OF KEARNEY

Personnel Manual



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ARTICLE 1

“Introduction”

Section 1: DISCLAIMER

This Personnel Manual has been prepared as a guide for employees of the City of Kearney. While the City of Kearney intends to continue to offer the services and benefits described in the Personnel Manual, the practices described are not binding obligations. The City of Kearney reserves the right to change, add, or discontinue any policy described if it is considered in the best interest of the City of Kearney and/or its employees. **This manual is not a contract for employment.**

The City of Kearney recognizes the State of Nebraska’s “*at-will*” employment rule. Either party in the employment relationship, the City of Kearney or the employee, may terminate the employment relationship “*at will*” with no liability to either party. No one has the authority to give an oral contract of employment. Only the City Manager has the authority to work under “*contract*”.

Section 2: PURPOSE OF MANUAL

The purpose of these provisions, requirements, and regulations is to promote, within the service of the municipal organization, the high degree of understanding, cooperation, efficiency, and unity which comes from consistent application of good personnel policies and operational procedures.

The fundamental objectives of these provisions, requirements, and regulations are:

1. To promote and increase efficiency and economy in the service of the municipal organization;
2. To develop and maintain a program of recruitment, advancement, and tenure, all predicated on merit and fitness, which will make the municipal service attractive as a career and encourage each employee to render the best possible services to the citizens of Kearney;
3. To establish and promote high morale among municipal employees by providing good working relationships, uniform personnel policies, equal opportunity for advancement, and consideration for employee needs and desires;
4. To provide fair and equal opportunity to all qualified or qualifiable persons to enter City employment on the basis of demonstrated merit and fitness as determined through impartial and job related requirements, tests, and interviews; and
5. To establish policies and procedures which violation of may result in disciplinary action.

The personal pronouns and gender of nouns used in this manual shall not be construed as limiting the provisions, rules, or regulations to one or the other gender.

Section 3: ADMINISTRATIVE RESPONSIBILITY

The personnel program consists of all laws, policies, and procedures related to personnel administration in the service of the City and shall be administered by the Director of Administrative Services, Department Heads, and Supervisors under the direction of the City Manager. The policies and procedures of the personnel program shall apply to all employees unless exemptions or exceptions are specified.

It shall be the responsibility of the Director of Administrative Services to see that those items which are purely informational in character are promptly corrected or updated at any time changes are made. It shall also be the responsibility of the Director of Administrative Services, upon approval of the City Manager, to provide copies to each holder of a manual of amended or additional pages at any time there are changes in federal or state laws or City ordinances which alter the provisions, requirements, or regulations contained herein. All employees shall receive a copy of this manual and amendments.

Section 4: DEPARTMENTAL REGULATIONS

The head of any department may formulate in writing administrative regulations necessary for the conduct of their department. Nothing in this section shall be construed as granting any department authority to adopt regulations in violation of, or in conflict with, these or any other personnel regulations approved by the City Manager.

Section 5: ROLE OF THE CITY COUNCIL

Citizens of Kearney elect a five (5) member City Council to set policies for the City of Kearney. The duties of the Council include passing ordinances, adopting the budget, acting as final decision making body on policy issues, and hiring a City Manager.

Section 6: ROLE OF THE CITY MANAGER

The City Manager is the chief executive officer of the City of Kearney. He is responsible for implementing Council decisions, overseeing City operations, coordinating Department Heads, Supervisors, and staff, and conducting personnel activities.

Section 7: ROLE OF THE DEPARTMENT HEAD

Department Heads are responsible for the general operation of their department and ensuring adequate performance levels from employees.

Section 8: ROLE OF THE SUPERVISOR

All employees have a Supervisor to whom they are directly responsible for their job performance. The Supervisor assigns work duties and explains policies concerning hours of work, lunch, and break periods, vacation, etc. Additionally, the Supervisor sees that work is performed effectively and efficiently and reports all department events to the Department Head.

ARTICLE 2

“Recruitment, Selection, and Appointment”

Section 1: AFFIRMATIVE ACTION STATEMENT

No person in the service of the City of Kearney or seeking appointment thereto shall be appointed, promoted, demoted, removed, or advanced in any way, or otherwise affected, on any basis or for any reason other than qualification, merit, and fitness. Discrimination against any person based on race, gender, religion, age, color, national origin, ancestry, disability, marital status, genetic conditions or predisposition to certain diseases is expressly prohibited, except where physical fitness, gender, or age is a bona fide occupational qualification.

Section 2: RECRUITMENT AND SELECTION

When vacancies occur, the City of Kearney will post advertisements for applications on City bulletin boards, the internet home page, and various media outlets. For a specialized position or when necessary to meet equal employment opportunity objectives, additional publicity shall be directed to community organizations, educational institutions, and other government entities. Advertisements may also be placed in appropriate professional journals and out-of-state newspapers.

The City Manager, with advice from Department Heads and Supervisors, is responsible for personnel actions of the City including hiring, firing, promoting, and demoting employees. When a potential employee applies for a position, the City Manager may request necessary relevant tests for the position. Several different testing processes may be employed and the type of test may include an oral interview, psychological test, skill test, mechanical test, written examination, or any other required test. Applicants judged to be superior by the testing process shall be considered for employment. The City reserves the right to conduct background checks on all applicants and a motor vehicle record check on applicants applying for positions that require the operation of a city-owned vehicle.

Police Officers and Firefighters must engage in a civil service testing process which is administered by the Civil Service Commission. The Commission reviews the results of the exams as well as the references of the individuals, interviews applicants, and certifies those qualified to the City Manager who makes the final appointment.

Section 3: CITIZENSHIP VERIFICATION

All employees initially hired after November 7, 1986 for any position with the City, shall complete an employment eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986. The City of Kearney complies with E-Verify procedures and requirements.

Section 4: PHYSICAL EXAM

Prior to appointment, each applicant who receives a conditional offer of employment may be required to undergo a thorough physical examination by a physician designated by the City Manager. The Director of Administrative Services shall arrange the physical examination. The cost of the standard physical examination shall be paid by the City. The cost of any special test or examination may be the responsibility of the applicant.

Section 5: IMPORTANT DATES

The **hire date** is the date when the employee began employment with the City. The **seniority date** is the date used to determine years of vesting service in the retirement system. The **review date** is used to mark annual performance evaluations. Each year the employee will have their evaluation during the two week pay period which contains this date. The review date is subject to change with a position change.

Section 6: EMPLOYMENT STATUS

There are four different types of employment status categories in the City of Kearney:

Regular:

- Full-time – Employees, who work 40 hours or more per week.
- Part-time – Employees, who average 20 hours, but less than 30 hours of work per week in a year.
- Intermittent - Employees, whose work is sporadic in nature, with no fixed or guaranteed schedule.
- Seasonal - Employees hired to temporarily supplement the work force or assist in the completion of a project. Assignments are of a limited duration with no guarantee of continued employment.

Section 7: PROBATION PERIOD

Individuals selected to fill a position with the City of Kearney must successfully complete a probation period prior to any increase in salary. The City Manager may extend the probation period of any employee. The probation period is intended to serve two purposes:

1. It should be considered as a trial period for both the employee and the employer. In fact, it constitutes the final phase of the selection process. It should give the employee the opportunity to make an on-the-job assessment of the work, the department, etc. This will permit the employee to decide, without obligation, if the job requirements are what were expected.
2. To permit the Supervisor and Department Head to closely observe and evaluate the ability and willingness of the employee to adequately carry out the duties of the position. For most jobs within the municipal operation, this is a period of orientation and indoctrination. The employee is to be given entry level instruction, training, and close supervision in order to afford the maximum

opportunity to become a real asset to the organization. During this time, the Supervisor shall encourage and assist the individual in making a successful adjustment to the job.

The probation period for new employees is six (6) months, except for Police Officers who serve a probation period of twelve (12) months. The probation period for position class changes is six (6) months. The probation period for Police Officers and Firefighters is set by the Civil Service Commission in compliance with the Civil Service Act.

The probation period may be extended for a maximum of three (3) months upon recommendation of the Department Head and approval of the City Manager.

Only those employees who meet an acceptable minimum standard of work during the initial probation period will be retained. This determination shall be based on the total evaluations of the Supervisor and Department Head. Any newly hired probation employee who cannot show satisfactory performance may be terminated without the right of post-termination appeal any time during the probation period. Upon satisfactory completion of the probation period, the Department Head shall submit a personnel action form to the City Manager, recommending that the employee be granted regular employee status.

The successful completion of a probation period should not be construed as creating a contract, guaranteeing employment for any specific duration, or as establishing a "just cause" termination standard.

ARTICLE 3

“Promotion, Transfer, Demotion, and Reclassification”

Section 1: PROMOTION

It is the policy of the City to fill all vacancies for skilled, Supervisor, and upper-level positions from the ranks of present employees whenever possible and practical, consistent with the City's obligation to fill public employee positions with the best qualified candidates and consistent with equal opportunity and affirmative action requirements. All employees seeking promotion shall be expected to meet the qualifications for the classification to which they seek promotion. Employees shall be made aware of promotional opportunities by notices on department bulletin boards. The Director of Administrative Services shall promptly distribute such notices to all Department Heads as soon as the position becomes available. Promoted employees will serve a six (6) month probation period.

Section 2: TRANSFER

Every employee has the privilege of requesting a transfer at any time there exists a vacancy for which the employee desires consideration. This does not restrict the City's right to make a non-requested lateral transfer or assignment when deemed in the City's best interests. Transferred employees will serve a six (6) month probation period which may be waived by the City Manager.

Section 3: DEMOTION

A demotion is a downward movement of an employee from one position to another within an established job family (e.g., Senior Maintenance Worker and Maintenance Worker), which may be due to inability to satisfactorily perform assigned duties, for disciplinary reasons, or during periods when it is necessary to lay off employees due to lack of work or funds. Demoted employees will serve a six (6) month probation period which may be waived by the City Manager.

Section 4: RECLASSIFICATION

A reclassification is the re-evaluation and reassignment of a position to assure that the pay plan accurately reflects the worth of the position. A position may be reassigned either upward to a higher pay grade or downward to a lower pay grade. Reclassification is an action taken to recognize one of two conditions.

1. The duties, responsibilities, and qualifications of an existing position have substantially changed over time to the extent that the position no longer resembles others of its class.
2. Labor market conditions as evidenced by the City's recruitment and retention experience and/or verified by salary survey data indicate a need to re-evaluate a position's location in the pay plan.

Employees holding positions which are reclassified will not serve a probation period.

The preferable method of altering departmental personnel allocations is through the budgetary process.

The reclassification process should not be used to reward an employee who is performing well in a properly classified position or who possesses potential to perform in a higher level position which the City does not need. It is also inappropriate to use reclassification to provide additional salary growth to an employee who has reached the top of his salary grade.

A Department Head wishing to reclassify a position should develop written justification for the request and submit this to the Director of Administrative Services who will develop a recommendation concerning the proposed reclassification which is submitted to the City Manager for review.

Section 5: RESIGNATION FROM A POSITION

All employees must meet the following conditions in order to be considered in “good standing”:

1. The employee must give the Department Head and the City Manager at least two weeks advanced written notice before leaving their job with the City.
2. The employee turns in all keys, uniforms, City identification, equipment, etc. which were provided by the City as part of employment on or before their last day.
3. The employee provides a forwarding address for future correspondence.

At the discretion of the Department Head and/or City Manager, the two week written notice may be waived.

Section 6: REDUCTION IN FORCE

In the event that it becomes necessary to reduce the number of employees in a department or throughout the entire City of Kearney, the procedures listed below will be followed and constitute the official reduction in force policy. Employees on probation, whether due to appointment or promotion, will be the first to be removed from service. Employees who are on probation due to promotion will, however, have the right to request to be considered at their previous position. This request must be made to the City Manager, in writing, within ten (10) days of notice from the City that their position is being eliminated.

The City Manager will notify an employee at least thirty (30) days in advance of implementation of a reduction in force of the City's intent to reduce the number of employees in a particular department or combination of departments. Such notice will be in

writing, to be delivered by certified United States mail, to the employee's address on file with the Human Resources Department.

After personnel on probation have been released or reclassified, further removals will be made based upon, but not limited to, the following factors in no particular order:

1. The multiple job skills recently or currently being performed by the employee.
2. The knowledge skills and abilities of the employee.
3. The performance appraisals of the employee, including any recent, pending, or recurring disciplinary actions involving the employee.
4. The employment policies and staffing needs of the department, together with contracts, ordinances, and statutes related thereto.
5. Required federal, state, or local certifications or licenses.
6. Seniority.

Section 7: RETIREMENT

The normal retirement date for purposes of retirement benefits for the City of Kearney is the first day of the month following an employee's 65th birthday. Retirement status is recognized for retirement purposes and payment of medical leave benefits for employees who separate after twenty (20) years employment with the City, the first day of the month following an employee's 65th birthday, or those who are eligible for social security retirement benefits.

ARTICLE 4

“Drug/Alcohol Free Workplace”

Section 1: DRUG/ALCOHOL FREE WORKPLACE POLICY

The unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the organization's workplace including vehicles/equipment or while engaged in City business is prohibited. Any employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. The term "controlled substance" means any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs with a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack." They also include "legal drugs" which are not prescribed by a licensed physician.
2. Each employee is required to inform the Director of Administrative Services within five (5) days after he is convicted for violation of any federal or state criminal drug statute where such violation occurred on the organization's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
3. If any employee is convicted of violating any criminal drug statute while in the workplace, he will be subject to discipline up to and including termination. At its discretion, the City of Kearney may require the employee to successfully complete a drug abuse program sponsored by an approved private or governmental institution.

Section 2: PRE-EMPLOYMENT TESTING

Each person to whom the City has made a conditional offer of employment for regular full-time and regular part-time positions or any other position requiring a CDL is subject to pre-employment drug testing. City employees who are conditionally offered a position with the Kearney Fire Department or Kearney Police Department are also considered job candidates for purposes of this Policy.

Section 3: REASONABLE SUSPICION TESTING

The City Manager or his designee shall require an employee to submit to a drug/alcohol screen at the City's designated collection facility if there is reasonable suspicion of use, which may include, but not be limited to:

1. Whenever there is an incident of employee behavior evidencing a taking of needless risks or disregard for safety.

2. Any personal injury incident or accident whereby the involved party requires more than first aid.
3. Where an employee is suspected of using drugs and/or alcohol which arises from observation, including personal appearance. Information may be furnished to the City by a third party or other agencies in this situation.
4. An accident resulting in property damage which renders equipment or vehicles inoperable, in need of significant repair, or to be towed from the scene of the accident.

Any employee who refuses to take a drug and/or alcohol test is subject to disciplinary action, which may include termination of employment. An employee who tests positive to a drug and/or alcohol preliminary screen shall be suspended pending confirmation of the findings by a scientific testing technique which is approved by the State of Nebraska. A confirmed positive finding shall warrant disciplinary action, which may include immediate termination of employment.

Section 4: CDL POSITIONS

Federal regulations require those individuals who are required to possess a Commercial Driver's License as a condition of employment be subject to random drug and/or alcohol screening.

Any time a current City of Kearney employee is promoted to a position that requires a Commercial Driver's License (CDL), the individual will be required to pass a drug screen as a condition of being selected for the new position.

Section 5: OFF THE JOB USE

Off-the job use of drugs or alcohol will be grounds for immediate discipline up to and including termination whenever the employee's job performance may be impaired. Impaired job performance means that the employee is not doing his or her work up to the City's standards that the safety of the employee, other City workers or the public could be endangered by the employee, or that property of the City or others could be damaged or lost by the employee.

Section 6: PRESCRIPTION DRUGS

Each City employee has a duty to report to his or her Department Head or to the City Manager the use of any prescribed drug which might impair job performance. The employee may be required to provide written medical authorization for use of the prescribed drug.

Section 7: DUTY TO REPORT

It is the duty of each employee who knows of any of the following situations to immediately report the situation to a supervisor, Director of Administrative Services or to the City Manager:

- When another employee who is on duty or engaged in City business is in a condition that may endanger the safety of the employee or others;
- When another employee is or is trying to use, possess, purchase, distribute or sell drugs or alcohol while on duty or engaged in City business, or while using City vehicles, equipment, tools or other property; and
- When another employee who is on duty or engaged in City business is in a condition that impairs his or her job performance.

Section 8: EMPLOYEE ASSISTANCE PROGRAM (EAP)

Being impaired by drugs or alcohol is no excuse for breaking any City rule or policy. Participating in rehabilitation for drugs or alcohol is no excuse for breaking any City rule or policy. With this in mind, the City supports appropriate services and rehabilitation programs which emphasize education, prevention, counseling, and treatment for employees when their personal problems may impair work performance. These problems include drug or alcohol abuse, marital, family, or child difficulties, work stress, and financial problems. To enhance the well-being of its employees, the City has chosen to make available to its employees an Employee Assistance Program (EAP). Contact the Human Resources Department for more information.

ARTICLE 5

“Workplace Violence”

Section 1: WORKPLACE VIOLENCE POLICY

The City of Kearney is committed to providing a safe work environment and will not tolerate acts of violence committed by or against city employees, or members of the public while on city property or while performing city business at other locations. Any employee violating this policy will be subject to discipline up to and including termination.

The term “violence” in this policy shall mean any act or behavior that:

- Is physically assaultive;
- A reasonable person would perceive as menacing or obsessively directed, e.g. intensely focused on a grudge, grievance or romantic interest in another person and reasonably likely to result in harm or threats of harm to people or property;
- Consists of a communicated or perceived threat to harm or in any way endanger the safety of an individual or property;
- May involve carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or

Section 2: POSSESSION AND USE OF DANGEROUS WEAPONS BY EMPLOYEES

In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of a firearm or any dangerous weapon is strictly prohibited on all city property including city vehicles.

Section 3: DANGEROUS WEAPONS DEFINED

A dangerous weapon is any firearm or instrument capable of producing bodily harm, in a manner, that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

Section 4: EXCEPTIONS TO DANGEROUS WEAPONS PROHIBITION

Employees may possess a firearm on city property if engaged in military or law enforcement activities.

Section 5: RESPONSIBILITES

All employees are responsible for:

1. Refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to act of violence in the workplace.
2. Immediately reporting any dangerous or threatening situations to their supervisor.

ARTICLE 6

“Compensation”

Section 1: CLASSIFICATION AND PAY PLAN

Regular employees of the City of Kearney are assigned to positions whose titles and rates of pay have been established by the classification and pay plan adopted by the City Council. The basic principle of this plan is that employees should receive equal pay for equal work. Thus employees performing work of the same degree of complexity and responsibility should be within the same pay grade though not necessarily at the same pay step.

There are written definitions setting out the duties and responsibilities for each job classification. Each classification is in turn assigned to a pay grade. The grades are numbered from the lowest to the highest. The body of classifications and grades constitutes the City's classification plan.

Each position within the classification plan has been evaluated according to the type of work performed and the degree of responsibility. Periodic wage surveys are made to ensure that the City of Kearney's pay policies are fair and competitive with similar positions in comparable cities and in private industry.

The Pay Plan as adopted consists of a given number of pay grades, each of which has a range of pay. Employees hired prior to October 1, 2010 are in Pay Plan “A”. The range of pay in Plan “A” consists of eight (8) steps for full-time and four (4) steps for part-time employees. Employees hired on or after October 1, 2010 follow Pay Plan “B”. Pay Plan “B” consists of twelve (12) steps for full-time and (6) steps for part-time. The beginning and ending rates of both pay plans are equal. Once a part-time employee in Pay Plan A reaches Step 4, they are transitioned to Pay Plan B, Step 6 of the appropriate pay grade.

Employees can normally expect to advance through the steps on a regular schedule of pay increases. This is not guaranteed and is contingent on a satisfactory or better performance of duty, the approval of the Department Head and City Manager, and the availability of funds.

Employees are usually hired at Step 1 of the pay grade, will be reviewed annually and will be eligible for a merit increase. Employees remain in each succeeding step one (1) year until they reach the top of the pay grade.

Section 2: PAY DAYS

City employees are paid bi-weekly usually on Fridays. Should an employee feel an error has been made regarding their pay, it is the employee's responsibility to contact Human Resources or Payroll immediately.

Section 3: DEDUCTIONS

The Finance Department is required by law to make deductions from employee paychecks for federal income tax, state income tax, Medicare, and social security tax. Medical and dental insurance premiums may also be deducted. In addition, employees may authorize other deductions for supplemental life insurance, financial institutions, Nebraska College Savings Plan, retirement or pension, clothing allowance, Meadowlark Hills Golf Course membership, and United Way.

Section 4: WORK WEEK

City Hall is open Monday - Friday from 8:00 a.m. to 5:00 p.m. Other departmental working schedules are established by the Department Head with some departments to be operational more than eight (8) hours a day and on Saturdays, Sundays, and holidays. The City of Kearney, as a condition of employment, reserves the right to adjust work schedules to fit the needs of the organization.

During each four (4) hour work period employees are normally given a 15-minute break. Employees will be advised by their Supervisor as to where and when these breaks can be taken.

Section 5: LUNCH PERIOD

City employees usually receive an hour for lunch, although some positions may have different lunch periods. Employees shall not remain at their workstation during the lunch period unless directed to do so by their Supervisor.

Section 6: OVERTIME POLICIES

It is the policy of the City to minimize overtime work except when required to safeguard public health, safety, and property. The following overtime guidelines were adopted to assure full compliance with the Fair Labor Standards Act by the City:

1. Employees shall not work longer than their normally scheduled daily shift without prior supervisory approval except in the event of an emergency, or when it is not possible or practical to do so.
2. Regular, non-exempt, non-Civil Service, employees are eligible for overtime at time and one-half for every hour after 40 hours worked. Police Officers are eligible after 41.25 hours in a standard 7-day work week or 82.5 hours in a standard 14-day pay period, depending on their assigned schedule. Firefighters are eligible after 53 hours in a standard 7-day work week. All other non-exempt City employees are to be paid one and one-half times their regular hourly rate of pay for every hour worked in the excess of 40 hours in a standard 7-day work week.

3. Computation of overtime hours shall only include those hours actually worked, holidays and personnel leave. Vacation, comp time used, funeral leave, medical leave, military leave, and Workers' Compensation absences are not to be counted towards computation of overtime hours.
4. An employee may choose to be paid for overtime hours at the time and one-half rate or earn "comp time". Computation of comp time shall only include those hours actually worked, holidays and personal leave. Vacation, comp time used, funeral leave, medical leave, military leave, and Workers' Compensation absences are not counted towards overtime. When comp time is used, it shall be debited in 15-minute increments and the employee is paid at their regular pay rate. Comp time may not be accrued in excess of 60 hours. Any additional hours must be paid.
5. In the event that the City Manager closes City offices due to weather conditions, an employee will not have compensation time hours that otherwise would have been utilized added back to their compensation time leave account.
6. The standard 7-day workweek is Sunday through Saturday.
7. Certain employees, according to the Fair Labor Standards Act, are exempt and thus do not receive overtime compensation.

Section 7: CALL-BACK POLICY

Non-exempt employees that are called back to work during non-working hours will be guaranteed at least two hours pay. The City maintains the right to retain employees on the clock for the purpose of related work at the discretion of their supervisor. The City may allow the employee to leave work, but the employee shall not receive additional compensation if the employee is recalled back for duty within the original two hour period, except that the employees who are called back to work in excess of two hours shall be compensated for the actual time worked.

If this time will result in overtime hours, the employee will be paid time and one-half or elect compensation time, dependent upon total hours actually worked in a week.

Section 8: LONGEVITY PAY

The City may grant longevity pay, if funds are available and upon recommendation of the City Manager and approval of the City Council, solely in recognition of length of service to the City. If paid, regular full-time employees shall be eligible to receive longevity pay, providing they have completed five (5) consecutive, uninterrupted years of service or more with the City as of November 30. Part-time employees who meet the same requirements are eligible to receive longevity pay at one-half of the full-time rate. If paid, employees will receive each December in a separate check the following amount:

- 5-9 years of service – \$250
- 10-14 years of service – \$300
- 15-19 years of service – \$350
- 20-24 years of service – \$400
- 25-29 years of service – \$450
- 30+ years of service – \$500

ARTICLE 7

“Vacation Leave”

Section 1: ACCRUAL

Regular part-time employees earn vacation with pay as follows:

<u>Years of Total Service</u>	<u>Vacation Hrs./Year</u>	<u>Vacation Hours Per Pay Period</u>
Start through 4 years	40	1.5385
5 through 14 years	60	2.3077
15 years and beyond	80	3.0770

Regular full-time employees earn vacation with pay as follows:

<u>Years of Total Service</u>	<u>Vacation Hrs./Year</u>	<u>Vacation Hours Per Pay Period</u>
Start through 4 years	80	3.0770
5 through 14 years	120	4.6154
15 years and beyond	160	6.1539

Police Officers earn vacation with pay as follows:

<u>Years of Total Service</u>	<u>Vacation Hrs./Year</u>	<u>Vacation Hours Per Pay Period</u>
Start through 4 years	82.5	3.1731
5 through 14 years	123.75	4.7597
15 years and beyond	165	6.3462

Firefighters shall earn vacation with pay as follows:

<u>Years of Total Service</u>	<u>Vacation Hrs./Year</u>	<u>Vacation Hours Per Pay Period</u>
Start through 4 years	96	3.6924
5 through 14 years	144	5.5386
15 years and beyond	192	7.3847

Section 2: USE – CARRY-OVER

Vacation shall be scheduled so as to meet the operating requirements of the Department and, if possible, the preference of employees. All vacation leave shall be subject to the approval of the Department Head.

- Vacation balances shall not exceed 240 hours for full-time employees or 120 hours for part-time employees.

Vacation leave shall be used in 15-minute increments or greater subject to the prior approval of the Department Head.

For those employees who work a 40-hour per week schedule, a legal holiday which occurs during an employee's scheduled vacation shall not be counted as a day of vacation.

In the event an employee is transferred to a different schedule, the employee's accrued vacation time shall be converted accordingly, in order to maintain the same basic ratio of time off the job for vacation.

Vacation shall not accrue if an employee is an unpaid status.

Should an employee become ill or attend a funeral while on vacation, a memo may be submitted to the City Manager or his designee requesting that vacation hours be changed to medical leave, jury duty or funeral leave.

In the event that the City Manager closes City offices due to weather conditions, an employee will not have vacation leave hours that otherwise would have been utilized added back to their vacation leave account.

Section 3: TERMINAL PAY

In the event of the death of an employee, the employee's beneficiaries will be entitled to compensation for accrued vacation hours.

Section 4: SEPARATION PAY

Employees shall be paid for all accrued vacation leave and earned comp time balances upon termination of employment.

ARTICLE 8

“Holidays & Personal Days”

Section 1: HOLIDAYS

All employees receive ten (11) paid holidays per year including: New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Thursday and Friday, Christmas Eve and Christmas Day. Part-time employees shall receive four (4) hours per holiday. Holidays shall be observed on the day they are observed by the courts of the State of Nebraska. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

An employee may be required to work on a holiday if it is necessary to maintain essential services to the public. If an employee works on a holiday as listed in this section, they will be compensated for a full shift at regular pay for their normal work shift for the holiday and regular pay for the actual number of hours worked. The holiday pay hours are counted in determining overtime pay as they are considered actual hours worked.

If any of the above-mentioned holidays fall during an employee's authorized paid vacation or medical leave time, such holidays will not be charged against these paid absences.

Employees must be on the active payroll in order to be paid for the holiday. Employees in an approved unpaid status are not eligible for holiday pay.

Each employed Firefighter will earn 132 hours of holiday pay annually to be paid out quarterly. Firefighters must be in an active status on the day of the holiday to receive that holiday(s) pay at the end of the quarter.

Section 2: PERSONAL DAYS

Regular employees who are employed on January 1 receive two (2) personal days per year. Part-time employees shall receive four (4) hours per personal day. Personal days shall be used in full day increments only.

The same guidelines that are used for submitting a request to use vacation leave will be used for requesting use of a personal day. Personal days cannot be carried forward to the next calendar year.

In the event that the City Manager closes City offices due to weather conditions, an employee will not have personal leave hours that otherwise would have been utilized added back to their personal leave account.

ARTICLE 9

“Leave”

Section 1: MEDICAL LEAVE

Medical leave with pay shall be provided to regular full-time and part-time employees for the purpose of providing an economic cushion. The accumulation of medical leave shall be allowed for the purpose of enabling employees to be protected economically in the event of a major illness or lengthy absence from employment for a medical reason.

Medical leave may be used for sickness or injury, for medical, dental, or optical examination or treatment, when an employee is exposed to a contagious disease, or when attendance at duty may jeopardize the health of others.

Additionally, an employee may use medical leave when the illness or condition, including death, of an immediate family member requires the employee's presence. Immediate family member for the purposes of medical leave is defined as: spouse, siblings, children, grandchildren, parents, mother-in-law and father-in-law.

Medical leave shall be credited to all regular full-time employees at the rate of 8 hours per month or equivalent ratio. Part-time employees shall be credited at the rate of 4 hours per month. Medical leave may be accumulated to a maximum of 1,440 hours for full-time and 720 hours for part-time. Medical leave must be used in 15-minute increments.

For short-term absences due to medical reasons the employee shall notify their Supervisor either in advance of the anticipated leave date or as soon as possible. An employee may be required to submit medical documentation at the department head's discretion.

All long-term medical leave requests must be accompanied by appropriate medical certification from a physician, indicating the condition necessitating the leave request and the projected date of return to work. Upon granting a long-term leave request, the employee may be required to provide additional physician statements at least once every thirty (30) days or more frequently if requested attesting to continued disability and inability to work. The employee may also be required to provide the City access to all medical records or to submit to an examination at any time by a physician designated by the City Manager.

Before being permitted to return from long-term medical leave, the employee may be required to provide the City Manager or his designee with a note from a physician indicating that he is capable of returning to work with or without restrictions.

Upon an employee's retirement after 20 years of City employment, or when an employee is eligible for social security retirement benefits, the employee will be eligible for payment of one-half of accumulated medical leave, not to exceed 480 hours. Part-time employees who meet the same requirements are eligible for payment of one-half the accumulated medical leave, not to exceed 240 hours.

In the event of the death of an employee with 20 years' service, the employee's beneficiary will be entitled to compensation for one half of unused medical leave which has been accumulated, not to exceed 480 hours for full-time employees and 240 hours for part-time employees.

In the event that the City Manager closes City offices due to weather conditions, an employee will not have medical leave hours that otherwise would have been utilized added back to their medical leave account.

Section 2: SPECIAL MEDICAL LEAVE

In order to protect employees from severe financial hardship as a result of serious illness or injury, the City Manager may grant special medical leave based on the following eligibility requirements:

- Must have been employed one (1) year.
- All medical, vacation, comp time, and personal leave must be exhausted.
- Cannot be eligible for workers' compensation.
- Medical statements and other relevant documentation may be required.
- Requests must be submitted using the approved form.
- While using such leave, employee will not receive holiday pay.
- Maximum amount available – 240 hours per year.
- Leave is intended for long-term illness.

Factors that may be considered in determining approval include employee's prior attendance and performance record and approval of such leave is at the sole discretion of the City Manager.

Section 3: WORKERS' COMPENSATION

The Workers' Compensation rules included in Chapter 48, Article 1, §48-101 of the Revised Statutes of Nebraska State:

"When personal injury is caused to an employee by accident or occupational disease, arising out of and in the course of his employment, such employee shall receive compensation therefore from his employer if the employee was not willfully negligent at the time of receiving such injury."

Therefore, all employees of the City of Kearney are covered by Workers' Compensation Insurance. This includes full-time, part-time, and seasonal employees. Workers' Compensation Insurance coverage includes medical and hospital services, prosthetic devices, total and partial disability, injury to specific members, and injuries causing death.

Per State Statute, employees must utilize their medical leave for the first seven (7) calendar days of leave caused by a work-related injury. Following the initial seven (7) day period,

employees who are absent due to work-related injuries are paid pursuant to the City's Workers' Compensation Insurance.

Employees receiving Workers' Compensation for their absence may be allowed to use available vacation leave, personal days, or comp time equal to the amount needed to meet their bi-weekly deduction obligations under certain circumstances. Employees on Workers' Compensation leave will receive holiday pay when applicable.

Employees may return to restricted duty following a work-related injury if the City is provided a detailed release from a physician and restricted work is available within the doctor's restrictions. The City may place the employee on light duty status in any City building in need of light duty for which the employee is qualified. Leave may not exceed 90 days for any one injury without medical and management approval.

Section 4: MILITARY LEAVE

Regular employees shall be granted leave without pay for military service or training when ordered by any branch or reserve unit of the U.S. military forces. Such leave and return to municipal service and retention of benefits shall be in accordance with federal and/or state law.

Section 5: LEAVE WITHOUT PAY

The City Manager may, using discretion, grant a non-medical leave of absence without pay to an employee for any good cause when it is in the best interest of the City. The City Manager may grant an employee leave without pay for a specified time not to exceed six (6) months. During this leave without pay, the employee may elect to continue insurance coverage and insurance benefits with the full premium paid by the employee. A leave of absence without pay shall not be allowed for any employee to work for another employer, or for self-employment.

Leave without pay shall be subject to the following provisions:

1. The employee must submit a written request to his Supervisor to be approved by the City Manager stating the reasons for the request at least fifteen (15) working days prior to the date the leave would begin.
2. All leave balances (vacation, medical leave when appropriate, personal days, and comp time) must be used before leave without pay can be applied.
3. At the expiration of leave without pay, the employee shall return to the position held prior to the leave.
4. Vacation and medical leave shall not be earned during leave without pay.
5. Employees in an approved leave without pay status are not eligible for holiday pay.

6. A leave without pay shall not constitute a break in service.
7. Failure to report promptly at the expiration of the leave of absence shall be considered a resignation.

Section 6: SPECIAL LEAVE

The City of Kearney may also grant special leave hours as follows:

1. Juror – Leave may be granted, with pay, to an employee to serve when called to jury duty. Jury Duty is considered time worked and counts toward overtime.
2. Witness – Special leave may be granted by the City Manager, with pay, to an employee when summoned to serve as a witness by any court of proper jurisdiction for City related business.
3. Funeral Leave – Full-time employees shall earn 3 work days per calendar year. Funeral leave shall be utilized in 15-minute increments. Once an employee has exhausted all funeral leave days in a calendar year, the employee will need to utilize medical leave, vacation leave, comp time, or unpaid leave of absence to attend a funeral. In the event of the death of a current City employee, the City Manager may authorize the absence of employees to attend the memorial service without using funeral leave. In the event that the City Manager closes City offices due to weather conditions, an employee will not have funeral leave hours that otherwise would have been utilized added back to their funeral leave account.

Section 7: FAMILY MEDICAL LEAVE & MILITARY LEAVE (FMLA)

Employees who have been employed by the City for twelve (12) months and have worked a minimum of 1,250 hours in the previous twelve (12) months are eligible for twelve (12) weeks of family leave in accordance with the Family and Medical Leave Act of 1993 (FMLA). Employees are requested to provide thirty (30) days' notice if possible before taking family leave.

Eligible employees can use family leave for:

1. Birth and care of a child of the employee.
2. Placement of a child with an employee for adoption or foster care.
3. A serious health condition that makes an employee unable to perform job functions.
4. To care for a spouse, parent, or child with a serious health condition.

Family Military Leave Entitlements:

1. Qualifying Exigency
2. Care for Covered Servicemember.

Family leave to care for a new child must be taken within twelve (12) months of the child's birth or placement with the employee. All accumulated medical, vacation, and personal leave must be utilized before unpaid leave is used. Use of comp time is at the employee's discretion. Paid leave is included as part of the twelve (12) weeks of family leave.

If both spouses are employed by the City, the total number of work weeks to which they both may be entitled is twelve (12) combined weeks if leave is taken for the birth or adoption of a child or to care for a sick eligible family member.

An employee may take family leave intermittently or on a leave schedule that reduces hours per work week or work day.

The City will continue to pay the employer's portion of health insurance during family leave. The employee is responsible for payment of his share of health insurance to the City during the absence. If the employee fails to return to work at the end of the twelve (12) week period, he/she may be required to reimburse the City for the employer's portion of the health insurance premium that was paid during the absence. Vacation and medical leave accruals are not earned during unpaid family leave.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



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ARTICLE 10

“Insurance, Retirement, and Other Benefits”

Section 1: GROUP INSURANCE PROGRAM

Insurance benefits are available to full-time City employees, through the group insurance plan. The City shares the cost of the program with the active employees as authorized by the City budget. The program includes:

1. Major Medical, with a Dental Program;
2. Hospitalization;
3. Life Insurance; and
4. Long Term Disability.

For eligible employees, the City pays a portion of the cost of health and dental insurance and the employee pays the remainder. Premiums paid by the employee for health and dental insurance coverage are automatically deducted on a pre-tax basis.

To be eligible for this coverage, the employee's children must be unmarried and under the age of 26. Specific benefits and plans can be found in the information that each employee receives at the time of employment. Additional copies are available on the intranet and in the Human Resources Department.

It is the responsibility of the employee to notify the Human Resources Department of a qualifying event to include a change in dependent eligibility status.

Additional life insurance is available at the employee's expense. For more information contact the Human Resources Department.

Section 2: MONEY ACCUMULATION PLANS

The City of Kearney offers three employee Money Accumulation Plans, City Employee, Fire and Police.

Section 3: PUBLIC SAFETY OFFICERS BENEFIT ACT

The Public Safety Officers Benefit Act provides payment to the eligible survivors of a public safety officer (Law Enforcement Officer or Firefighter) who died in the "direct and proximate result of personal injury sustained in the line of duty."

Section 4: UNEMPLOYMENT INSURANCE

Any person whose employment with the City of Kearney is terminated for any reason should check with Nebraska Workforce Development concerning eligibility for unemployment compensation as permitted by state law and regulations.

Section 5 EMPLOYEE REIMBURSEMENT

Employees representing the City of Kearney or attending work related conferences or meetings are eligible for reimbursement of travel, meals, and related expenses. Reimbursement will be provided for pre-approved expenses and in accordance with state laws.

Section 6: SOCIAL SECURITY

Social Security is administered by the federal government and is supported by joint contributions from the employer and the employee as set by federal law. These contributions are based on a percentage of the employee's salary. The employee's contribution is handled by payroll deduction. All employees of the City of Kearney are covered by Social Security, except Firefighters.

Section 7: DEFERRED COMPENSATION PLAN

A deferred compensation plan is an agreement between you and your employer providing for a specific amount of your salary to be paid to you at a later date. In other words, payment of part of your salary is deferred, and so is your tax liability. This deferred income is deposited into your retirement account through payroll deduction and invested in your choice of retirement corporation trust funds.

ARTICLE 11

“Performance Requirements”

Section 1: PURPOSE

Performance evaluations, as well as day-to-day feedback and counseling activities, shall be used to recognize and reinforce positive performance and to correct inadequate or undesirable performance.

Section 2: PERFORMANCE STANDARDS

Employment in a position, either regular or temporary, is not recognized as a vested right to be retained because of appointment, possession, or seniority, but only when the standard of performance justifies the continuance.

Section 3: PERFORMANCE EVALUATION

An evaluation system shall be utilized by each department. The method of evaluation and related forms shall be devised by the Director of Administrative Services

The Department Head, on at least an annual basis, shall ensure all employees are evaluated. All evaluations shall become and remain a part of the individual's personnel file, maintained by the Director of Administrative Services.

All evaluations shall be processed through the department's chain of command, with each Supervisor acknowledging by signature that the report has been reviewed. Each level of supervision or management should add notes of concurrence, disagreement, or additional observation and opinion concerning the employee's performance and evaluation.

The employee being evaluated shall be furnished a copy of the evaluation and requested to read and to sign the same. In the event the employee refuses to sign the evaluation report, the Supervisor will make this notation on said evaluation report and process the same in the regular manner. The employee may submit a written statement concerning the evaluation. Any regular employee who receives an unsatisfactory evaluation shall be reevaluated at the end of a three (3) month period. A second unsatisfactory evaluation may be cause for a reduction in pay, demotion, or dismissal.

Section 4: MERIT SALARY INCREASES

Salary ranges for all municipal positions are contained in the Classification and Pay Plan adopted by the City Council. Each job classification has a minimum and a maximum salary level. All intermediate steps are scheduled on an annual basis.

All increases are to be granted strictly on a merit and fitness basis and are not to be considered automatic. An employee must receive an overall performance evaluation rating that indicates they have met their Supervisor's expectations in order to be recommended

for a merit increase. The City Manager shall make the final decision on granting the increase.

In those instances where increases are not granted as scheduled, the increase may be recommended at any subsequent date deemed advisable by the Department Head and such recommendation shall be forwarded to the City Manager through the usual processes as explained above. Denial of a merit increase due to job performance does not constitute disciplinary action. Employees may use the grievance process to address their concerns regarding such denial.

The City shall not be obligated to grant merit increases if the funds are not available and budgeted.

Section 5: ADJUSTED MERIT SALARY INCREASES

Department Heads may delay consideration of an employee's merit increase if they feel they have not had sufficient time to measure their performance.

ARTICLE 12

“Discipline”

Section 1: POLICY

Types of unacceptable behavior and conduct for which all employees not under Civil Service may be removed, demoted, suspended without pay, transferred to another position, or reprimanded by their immediate Supervisor, Department Head and/or City Manager include, but are not limited to the following reasons:

1. Incompetence or inefficiency.
2. Offensive conduct or conduct unbecoming of an employee of the City while on duty or which is detrimental to the welfare or good name of the City.
3. Violating the City's nondiscrimination and/or sexual harassment policy.
4. Inability to maintain appropriate working relationships.
5. Insubordination.
6. Soliciting or accepting gratuities from customers or clients.
7. Failure to maintain regular, timely attendance.
8. Reporting to work intoxicated or under the influence of non-prescribed drugs or illegal manufacture, possession, use, sale, distribution, or transportation of drugs.
9. Bringing or using alcoholic beverages on City property or using alcoholic beverages while engaged in City business off City's premises except where authorized.
10. Theft of property from co-workers, customers, or City.
11. Excessive, unnecessary, or unauthorized use of City supplies or equipment, particularly for personal purposes.
12. Unauthorized possession of firearms on City premises or while on City business.
13. Conviction of a felony.
14. Falsifying employment or other City records.
15. Fighting or using obscene, abusive, or threatening language or gestures.
16. Disregarding safety or security regulations.

17. Failing to maintain the confidentiality of City, customer, or client information.

18. Job Abandonment.

Should the employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory in the judgment of the City Manager, based on violations either of the above or of any other City policies, rules, or violations, the employee will be subject to disciplinary action, up to and including dismissal.

The City Manager may take disciplinary action for causes other than the preceding, but, in every case, the employee will be informed of the reason for such action. The preceding list is intended as a guideline for disciplinary actions.

In addition to the regulations described herein, Civil Service employees (Police Officers, Fire Engineers, and Fire Administrator,) are subject to disciplinary and other regulations found in the "Rules and Regulations of the Civil Service Commission" booklet.

Section 2: TYPES OF DISCIPLINE

Disciplinary action shall be consistent with the nature of the deficiency or violation involved and the record of the employee. Types of disciplinary action include oral reprimand, written reprimand, suspension, demotion, and dismissal from employment with the City of Kearney. Disciplinary action shall be in a professional manner and shall be directed at correcting the employee's performance and/or behavior and to avoid recurrence of the violation.

The following describes some of the different types of disciplinary procedures which may be used by Supervisors. A record of all disciplinary action must be included in the employee's personnel file.

Oral Reprimand: An infraction that is minor in nature or does not involve a serious degree of negligence.

Written Reprimand: An infraction serious in nature or involves a serious degree of negligence, where the Supervisor is convinced that a written reprimand is necessary to correct the behavior.

Suspension/Demotion: An infraction that is severe in nature and involves gross neglect or where the past conduct of the employee demonstrates the infraction is repetitive in nature and the Supervisor is convinced a suspension or demotion is the only remedy to correct the behavior. The employee's Supervisor shall submit a letter describing the infraction, any previous offenses, and a recommendation for suspension or demotion to the Department Head as soon as possible. The Department Head shall then forward a recommendation to the City Manager.

Dismissal: An infraction or series of infractions so grave in nature that continued employment would affect the operational effectiveness of the department and the

employee's Supervisor and Department Head are convinced that corrective action is not possible. The employee's Supervisor shall submit a letter to the Department Head describing the infraction and the employee's case history, and shall include the recommendation for dismissal. The Department Head shall forward a recommendation to the City Manager.

Section 3: AUTHORITY

All Supervisors shall have the authority to issue oral reprimands to their employees. Department Heads, in addition to the Supervisor's authority, shall exercise other types of disciplinary action. With cooperative approval from the City Manager, Department Heads can issue denial or delay in salary increase, reduction in salary grade, suspension from work, demotion, and dismissal.

An employee shall not be granted vacation, medical, or holiday leave while on suspension. An employee may request a hearing before the City Manager and his direct Supervisor or Department Head concerning any disciplinary action taken by a Supervisor.

Section 4: APPEALS

An employee may file a written appeal of a disciplinary action with the City Manager, except for oral and written reprimands, within seven (7) calendar days after actual receipt of a disciplinary notice. Employees who have seasonal status or are on probation may not appeal disciplinary action. An employee appealing a disciplinary action shall state why he believes the action to be inaccurate. The City Manager may determine a stay of disciplinary action pending the filing or investigation of the appeal or may let the action take effect at any time before issuance of the notice of the decision to take action. The City Manager shall conduct an investigation and/or hearing necessary to adjudicate the appeal. If the City Manager determines that a hearing is necessary, the employee shall be afforded an opportunity to attend, to be represented, and to present evidence and/or witnesses on his behalf. The City Manager shall adjudicate the appeal within ten (10) calendar days after filing or if a hearing is held within ten (10) calendar days following conclusion of the hearing. The City Manager shall have the authority to approve, rescind, or modify any disciplinary action taken or proposed which is appealed under this procedure.

ARTICLE 13

“Grievances”

Section 1: PURPOSE

The City of Kearney encourages employees to informally take any job-related complaints to their immediate Supervisor who shall attempt to understand all points of view and provide clear and timely responses to all complaints. An employee that is not satisfied with the results of a Supervisor's actions, working conditions, or other aspects of employment, not subject to the disciplinary appeal procedure, may use the grievance procedure.

Section 2: PROCEDURE

An employee must submit a written grievance to his immediate Supervisor and the Director of Administrative Services simultaneously within seven (7) calendar days after the cause of the grievance arises or becomes known to the employee. The grievance shall clearly state the basis for the complaint and the relief requested. The Supervisor shall discuss the grievance with the employee as well as provide a written response within seven (7) calendar days after receipt. An employee remaining dissatisfied may then submit the grievance to the next higher Supervisor and Director of Administrative Services within seven (7) calendar days following receipt of the response from the Supervisor, and so on up to the City Manager. Late filing of a grievance at any stage of the procedure may bar its consideration. Similarly, if a Supervisor fails to provide a written response within the seven (7) calendar days after receipt of the grievance, the employee shall be allowed to take the grievance to the next higher Supervisor. The City Manager shall have final authority for considering a grievance and shall conduct any necessary investigation or hearing. The City Manager shall provide a written response within a reasonable time period after receipt of a hearing or investigation.

Under no circumstance shall an employee go to a City Council member with a grievance.

ARTICLE 14

“Harassment”

Section 1: DEFINITION

All City of Kearney employees have a right to work in an environment free from discrimination and all forms of harassing, coercive, or disruptive conduct. All employees also have a responsibility for maintaining high standards of conduct and ethical behavior. Harassment of an employee on the basis of gender, race, color, religion, national origin, disability, or any other reason will not be tolerated.

Sexual harassment is a deliberative behavior of a sexual nature by one individual to another that is unwelcome, unsolicited, or rebuked. This behavior can be verbal, nonverbal, or physical in nature. Some examples would include, but are not limited to, the following:

1. Sexual comments of a provocative or suggestive nature;
2. Jokes or innuendoes of a sexual nature;
3. Intentionally suggestive or demeaning looks or leering;
4. Creating an intimidating, hostile, or offensive working environment for members of either gender;
5. Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment;
6. Physical contact such as patting, pinching, hugging, or brushing up against another individual;
7. Bullying;
8. The posting, displaying, or circulation of materials or photographs of a sexual nature or showing nudity or partial nudity in the workplace; and
9. The posting, displaying, or circulation of materials with offensive language in the workplace.

Harassment because of any other protected status as indicated above is also strictly prohibited. This type of harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an employee because of his gender, race, color, religion, national origin, or disability. Some examples would include, but are not limited to, the following:

1. Use of names or terms in addressing individuals which reference or draw attention in a negative manner to the characteristics mentioned in the above paragraph;
2. Use of false accents or dialects which depict the accents or dialects of others as humorous;
3. Telling of jokes which insult or belittle the race, religion, national origin, disability, or color of another.

Section 2: COMPLAINT PROCEDURE

If such conduct is directed at you, immediately request the unwelcome behavior stop. You are encouraged to bring the matter to the immediate attention of your Supervisor, Department Head, City Manager, or the Director of Administrative Services. You will be asked to write out your complaint of harassment with detailed information such as the dates of each occurrence, witnesses to any occurrence, and the nature of the harassment. Every effort will be made to keep your complaint confidential. A complete and thorough investigation of the complaint may require contact with other City employees and citizens.

A prompt and thorough investigation of the alleged incident will be conducted to the extent reasonably possible. Appropriate corrective action will be taken when warranted. To the extent consistent with adequate investigation and appropriate corrective action, any complaints of harassment will be treated as confidential.

Section 3: RETALIATION PROTECTION

City personnel will not in any way retaliate against an employee, potential employee, or former employee who in good faith makes a complaint or report of harassment or who participates in the investigation of such a complaint or report. Retaliation against an individual for in good faith reporting a claim of harassment or cooperating in the investigation is strictly prohibited and will itself be subject to appropriate discipline.

ARTICLE 15

“Policies”

Section 1: MONETARY REIMBURSEMENT

Upon separation of employment from the City of Kearney, money owed to the City for any unpaid clothing allowance will be due on or before the last day of employment. Should arrangements for payment not be made with the individual's Supervisor and/or Finance Department, the City of Kearney reserves the right to deduct any amount due from the individual's final paycheck.

The City of Kearney also reserves the right to deduct the value of any city-owned items not returned to the City on or before the last day of employment from the employee's final paycheck.

Section 2: CONFIDENTIALITY OF INFORMATION

It is the policy of the City of Kearney to ensure that, with the exceptions of matters necessarily conducted or transacted in a public forum, the operations, activities, and normal daily affairs of the City are kept confidential to the greatest possible extent. If, during the course of their employment, employees acquire confidential or proprietary information about the City, such information is to be handled in strict confidence and not to be discussed with individuals who are not employed by or represent the City of Kearney. Employees are specifically responsible for the internal security of information and materials pertaining to, or received, or generated within the area of their work responsibilities.

Employees shall not discuss or transfer information or materials concerning City-related matters with attorneys, insurance company representatives or agents, or any other person without prior approval by the City Manager.

Section 3: GIFTS AND GRATUITIES

Employees shall not accept any fee, reward, gift, or gratuity that has any connection whatsoever with the employee's municipal employment or the performance of the employee's official duties.

It is expressly prohibited for an employee in any way to use his position or influence for private gain for themselves or others.

Section 4: NEPOTISM

Two or more members of the same immediate family shall not be employed to supervise each other or to work under the same immediate Supervisor. Employees may work in different divisions of the same department or in different departments. Immediate family includes spouse, children, siblings, parents, grandparents, mother-in-law, and father-in-law. Should two present employees become immediate family through marriage, both

employees may retain employment, however, the City Manager retains the right and responsibility to transfer either one of the related employees for the purpose of maintaining the best interest of the City of Kearney.

Section 5: SMOKING/TOBACCO POLICY

Smoking is allowed only in designated areas approved by the City Manager and Department Heads. Chewing tobacco products may be utilized as long as they do not detract from performing the duties of the position or create any hazards. The City Manager and Department Heads will designate where chewing tobacco products may be utilized. Smoking is not allowed in City vehicles or equipment.

Section 6: RESIDENCY REQUIREMENT

If the position requires, as determined by the Department Head subject to approval by the City Manager, there may be a thirty (30) minute response time by way of the most direct route from the employee's permanent residence to the employee's assigned work site and within posted speed limits. Newly appointed employees who do not meet the residency requirement shall be granted sixty (60) days to comply.

Section 7: POLITICAL ACTIVITY

Unless specifically restricted by federal or state law, employees of the City of Kearney shall not be prohibited from participating in political activities except during office hours or when otherwise engaged in the performance of their official duties (this includes wearing political buttons while on duty). In addition, employees may not use their City job to distribute or receive political favors of any type or nature. Employees shall not engage in any political activity while wearing uniforms required by the City.

If an employee wishes to take part in political activities during normally scheduled work hours, the employee must use vacation leave, compensatory time, personal day, or leave without pay to cover this period of absence. An employee may be elected to office, but if such election presents a conflict with the employee's job or interferes with the employee's scheduled work hours, the City has the authority to change terms and conditions of employment, up to and including termination.

Section 8: LITIGATION AGAINST CITY

The City recognizes the legal right of any employee to file a legal action against the City or any of its officers, if the employee so desires. However, if an employee is a party to any legal action against the City or any of its officers (other than those actions in which an insurance carrier is the real party in interest), the City shall have the option of placing the employee on a leave of absence, with or without pay, during the pendency of such litigation.

ARTICLE 16

“Work Regulations”

Section 1: CODE OF CONDUCT

All employees of the City of Kearney are required to serve the citizens of the City of Kearney with efficiency and courtesy. It is every employee's obligation to treat all citizens fairly with special privileges to none.

Every job with the City is important in that it provides a service to the residents of Kearney. The manner in which the employees serve the public strongly influences the public image of the City. Residents form opinions of their city government from contact with individual employees.

Courtesy towards the citizens of Kearney is of the utmost importance. Courtesy - or lack of it - tends to be most noticeable at public counters, reception desks, and in telephone contacts. However, courtesy in outside jobs where the public contacts may be more casual is just as important. Since the citizens are our employer, courtesy is due them regardless of any complaints or demands made.

Section 2: FITNESS FOR DUTY

To verify that an employee can perform the essential functions of their position, the City may require physical/psychological or other job-related testing. Such testing must be approved by the City Manager and the City will cover the cost.

Section 3: CARE OF EQUIPMENT AND FACILITIES

Any employee of the City of Kearney found to be responsible for damage to or loss of City property or equipment through negligence, carelessness, or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss.

Section 4: E-MAIL AND INTERNET USAGE

The City of Kearney has the right, but not the duty, to monitor any and all aspects of the computer systems, including employee E-Mail, to ensure compliance with this policy.

- The computers and computer accounts given to employees are to assist them in the performance of their jobs. Employees should not have an expectation of privacy in anything they create, send, or receive on the computer.
- Fraudulent, harassing, embarrassing, indecent, profane, obscene, intimidating, or other inappropriate material is not allowed to be sent by E-Mail or other form of electronic communication or displayed on or stored in the City of Kearney's computers. Anyone encountering or receiving such material should immediately report the incident to their Supervisor.

- Employees should use the same care in drafting E-Mail and other electronic documents as they would for any other written communication. Anything created on the computer may, and likely will, be reviewed by others. E-Mail should not be considered confidential communication. Employees should be aware that even though they have deleted an E-Mail item, the item still may be recovered and read by others.
- Employees choosing to forward, copy, or alter E-Mail, should do so with care, taking into consideration the intent of the sender.
- Without prior written permission, the computer and telecommunication resources and services of the City of Kearney may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), political material, or any other unauthorized use.
- Employees are responsible for safeguarding their passwords for the system. Individual passwords should not be printed, stored online, or given to others. Each employee is responsible for all transactions made using their passwords. Misuse of other employee's passwords may result in disciplinary action.
- An employee's ability to connect to other computer systems through the network does not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the operators of those systems.
- Internet access must initially be approved by the Department Head.

Section 5: TARDINESS OR ABSENTEEISM

If an employee is going to be late or absent, the employee must notify his Supervisor or Department Head at least one (1) hour before the scheduled time to report or as soon as possible. Unexplained absences or tardiness are not easily excused and may result in disciplinary action up to and including termination.

Section 6: PERSONAL PHONE CALLS

Employee personal telephone calls are to be held to a minimum and whenever possible should be made during break periods. Personal calls should be local unless the employee has prior approval from their Supervisor and the employee will be responsible for payment.

Section 7: PHOTOCOPIERS AND FAX MACHINES

The City of Kearney purchased or obtained photocopiers or fax machines with public funds to enhance the operations of the organization. City employees should not use photocopiers or fax machines for personal use. Employees should not encourage or solicit faxes to be received at a City office for personal reasons. If the employee needs to use a photocopier or fax machine for personal reasons, a charge will apply.

Section 8: EMPLOYEE DRESS

Employees are expected to maintain a clean and well-groomed appearance in keeping with their job and conducive to good public relations and must comply with the requirements of their respective departments related to wearing apparel, personal appearance, hygiene, and safety. Office staff may wear blue jeans on Fridays or the last business day of the week, or as approved by the City Manager.

Employees wearing a City uniform, including logo shirts, shall not consume or purchase alcohol.

Section 9: OUTSIDE EMPLOYMENT

Regular full-time employees must receive written permission from the Department Head for outside employment over 20 hours per week. Outside employment must not interfere with the duties of the City job or conflict with the interest of the City agency or department.

Section 10: SAFETY COMMITTEE

The safety of all City employees is a critical element in the success of the organization. The City of Kearney has a pro-active Safety Committee which works diligently to maintain a safe work environment. Every employee received a copy of the Safety Manual when employment began or when the last revision was issued. Every employee is responsible for following the policies and procedures outlined in the most recent version of the Safety Manual. Employees receive periodic updates to the Safety Manual and are responsible to update their manual accordingly.

Found in the Safety Manual, the City of Kearney's Safety Committee has developed a section entitled *Safety and Health/Return to Work Policy and Guidelines*. This contains the policies and procedures every employee will follow when returning to work after a work related accident.

Section 11: USE AND OPERATION OF CITY VEHICLES

The use of any city-owned vehicle for personal use is strictly prohibited. It is the responsibility of employees to see that City vehicles they are operating or have been assigned are used only for City business. Only City employees or those with Department Head approval (i.e. engineers, visiting officials, prisoners, etc.) shall be transported in a City vehicle. City employees who drive a city-owned vehicle must have a valid Nebraska driver's license which must be on or accompanying the person when operating such a

vehicle. All drivers and front-seat passengers of City vehicles shall be required to wear safety belts and comply with all traffic and safety laws.

Once a year, at a time to be selected by the Human Resources Department, all City employees who are required to possess a driver's license as a condition of employment, regularly operate a City vehicle, or receive a vehicle allowance from the City will provide a copy of their valid driver's license.

With the exception of Police Officers and other officers and employees directly engaged in performance of their duties under the express authority of the City Manager, employees shall not take City vehicles outside the city limits except to City facilities or for approved travel and training.

Section 12: EMPLOYEE ACCIDENTS

All job-related accidents/incidents resulting in possible injury or occupational illness must be reported to the employee's immediate Supervisor. The accident must be reported to the Risk Management Coordinator within 24 hours of the accident/incident in order to file a First Report with the insurance company. The Supervisor is to notify the Department Head, in a timely manner, of the injury or accident. Every injured employee shall complete the "Accident/Incident Investigation Report" form.

If an employee has an accident with a city-owned vehicle, the employee must first notify the Police Department and then notify his Supervisor and the Risk Management Coordinator. This should be done regardless of how minor the accident appears. The Supervisor will send or take the injured employee for examination or treatment. In an emergency, the injured employee should be sent directly to the emergency room of the local hospital. All traffic violations are the personal responsibility of the operator. Every employee shall complete the "Accident/Incident Investigation Report" form when they are involved in an accident/incident involving City property.

Section 13: CELLULAR PHONE USE

The City of Kearney may provide cellular phones to employees with a justified and proven need for mobile communications. Employee requests for cellular phones must be submitted to the Department Head and approved by the City Manager or his designee. City-owned cellular phones should be used primarily for city government business. However, a reasonable amount of personal use is acceptable for employees who are required to carry a city-owned cellular phone on a routine basis.

Employees should refrain from using a cellular phone while driving a City vehicle or operating City equipment.

Section 14: DUTY TO REPORT ARREST

Employees, as soon as practical, must report any non-traffic misdemeanor or felony arrest to his Supervisor who shall report the information to their Department Head.

Section 15: CHANGE OF ADDRESS/FAMILY STATUS

In order to keep all records current, any changes of address, telephone number, family status (marriage, divorce, births, etc.) should be reported to your immediate Supervisor and the Human Resources Department.

ARTICLE 17

“Miscellaneous”

Section 1: PERSONNEL RECORDS

All employee personnel records shall include applications, performance evaluations, promotions, acts of reward, recognition, disciplinary actions, and any other pertinent information pertaining to the job performance of the individual employee, and copies thereof shall be available to the employee. The official personnel file of all employees shall be maintained in the Human Resources Department.

The Director of Administrative Services shall be responsible for the care and maintenance of all personnel files and records. Department Heads shall be responsible for seeing that information is promptly forwarded to the Human Resources Department. Employees may, within normal office hours, review their official personnel file.

Section 2: EMPLOYEE SUGGESTIONS AND RECOMMENDATIONS

Ideas and suggestions for the improvement of any part of the municipal operation are encouraged and will be welcomed for consideration by the Supervisors, Department Heads, and the City Manager. It shall be the responsibility of each Supervisor to give full and fair consideration to each suggestion or recommendation made by an employee

Section 3: EMPLOYEE ORGANIZATIONS

Any employee of the City of Kearney may join, organize, or maintain membership in an employee organization, association, or union. The City neither encourages nor discourages these activities, nor does membership or non-membership in an employee's organization, association, or union affect the employee's standing or rights as a City employee.

The right to join an employee organization, association, or union also includes the right not to join. Any employee, desiring to join, remain a member, or become independent of an employee organization, association, or union shall be free to exercise that right without undue influence, coercion, intimidation, or pressure of any kind by any person.

Membership or participation in an employee organization, association, or union shall in no way exempt an employee or group of employees from any of the policies, procedures, rules, or regulations as set forth in this manual or as hereafter amended.

Section 4: UNITED WAY

Employees are encouraged to help support the Kearney Area United Way. Regular payroll deductions simplify participation in this very worthwhile community program. A number of organizations depend on the United Way. Employees have the right to start, stop, and increase or decrease their pledge at any time.

Section 5: BLOOD DONATION

Employees are encouraged to donate blood and/or platelets and may do so on City time.