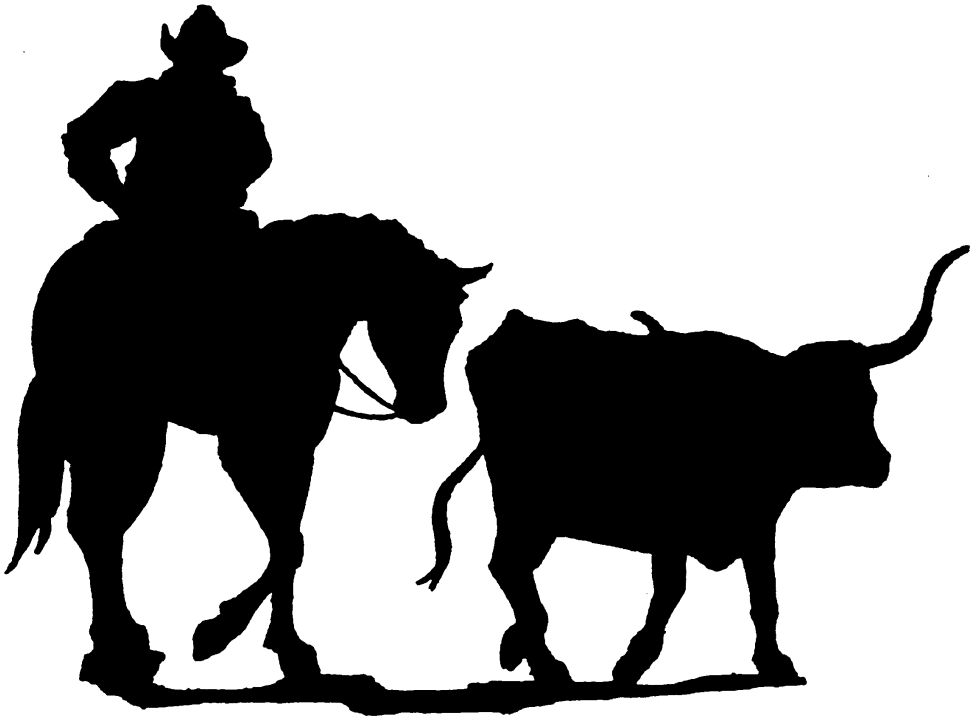
CITY OF OGALLALA

PERSONNEL MANUAL



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CHAPTER 1.000 ORGANIZATION

1.010: Purpose

The purpose of this document is to establish, delineate and clarify policies of the City Council regarding employees of City of Ogallala. Hereinafter the pronouns he, his, or their are used to signify both male and female individuals, and are used only to condense the language of this text, and are not to be construed to be discriminatory against either sex.

1.020: City Council

The City Council is the legally authorized elected body of officials who approve general personnel policies for City of Ogallala.

1.030: Personnel Department

(A) By mutual agreement the City Manager's office shall serve as the Personnel Department for the City and the City Manager shall serve as the Personnel Manager for the City. The Personnel Department shall:

(1) Maintain and keep the various records regarding personnel which may be found necessary or desirable; and,

(2) Activate, process and maintain reports necessary for all Workmen's Compensation matters.

(B) It is expected that each Department will give full cooperation to the Personnel Department, and will be prompt in providing any personnel report, which has been recommended to and adopted by the City Council.

1.035: Employee Advisory Committee

(A) Purpose: The City of Ogallala Employee Advisory Committee (EAC) is organized for the purpose of providing a means of communication between City Employees, as a group, and City management and Council. The EAC will review and offer recommendation on issues affecting City employees including, but not limited to, personnel policy, benefits, compensation, etc. The EAC shall not serve as a collective bargaining unit. As with any issue affecting the City, the ultimate decision rests with the City Council, however the EAC provides an important link between City Employees and City Council.

(B) Operation: The EAC shall meet on an "as needed" basis but at least once a year. Meetings will be conducted under Roberts Rules of Order with agenda's and minutes kept. A simple majority shall constitute a quorum. Recommendations made by the EAC will be in the form of a motion and vote, recorded in the minutes and will be forwarded to the City Council through the Personnel Manager's office. Items may be placed on the EAC agenda at the request of an EAC member, Personnel Director, City Manager or City Council. Employees wishing to address the EAC or have an item placed on the agenda must do so through an EAC member, Personnel Manager, City Manager or City Council.

(C) Committee Composition: Only permanent full-time employees, excluding the City Manager, shall be eligible to be on the EAC. The EAC will be comprised of the City Clerk who shall serve as secretary and hold responsibility for preparation of agendas and minutes and forwarding EAC recommendations to the appropriate party. A member of the Police/Fire Retirement Committee, who is also a City employee

shall be appointed by the Police/Fire Retirement Committee shall hold a position on the EAC. The City Clerk and Police/Fire Retirement Committee member shall be ex-officio positions and shall have all the privileges, including opportunity for chairmanship and voting, of other members. Five additional members shall be elected from the roster of permanent, full time City employees, excluding the City Manager. The City Clerk shall solicit nominations for candidates during the month of August, conduct an election to be held the first Tuesday in September, verify the election results and notify successful candidates prior to October 1. EAC members shall serve a two-year term, beginning on October 1st and ending two-years after. Terms shall be staggered so in any given year no more than two terms will expire. If a vacancy occurs in the office of EAC member, a successor shall be appointed to serve the remaining term, by a majority of the remaining EAC members. The EAC shall annually elect a member as the chairperson at the first meeting in October.

1.040: Employment at Will

(A) All employment with City of Ogallala shall be considered "at will" employment.

(B) No contract of employment shall exist between any individual and City of Ogallala for any duration either specified or unspecified with the exception of the City Manager who is a contract employee.

(C) The City of Ogallala shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice with the exception of the uniform personnel who are subject to Civil Service procedures.

(D) The City of Ogallala shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice.

(E) Employees of City of Ogallala shall have the right to leave their employment with the City at any time, with or without notice.

(F) Oath of Office: The Council members and all employees of the City of Ogallala who may be paid from funds of the City shall be required to take and subscribe an oath in writing before a person authorized to administer oaths in the State and file such oath with the City Clerk. The oath of office is attached as appendix F.

1.050: Employee Status

(A) Full time: A full time employee shall be any employee in a position, which has a normal work schedule of at least 40 hours per week.

(B) Part time: A part time employee shall be any employee in a position, which has a normal work schedule of less than 40 hours per week.

(C) Temporary: A temporary employee shall be any employee who is hired into a position, which is expected to last for some specific duration, or until a specific project is completed.

(D) Regular: A regular employee shall be any employee hired into a position, which is not considered to be temporary. Regular employees may be either full time or part time.

(E) Employment at Will: All employees are considered to be "at will" employees as defined in Section 1.040 of this Chapter and employee status shall not be considered a contract of employment.

1.060: Equal Employment Opportunity

(A) Purpose: To establish a policy to ensure equal employment opportunity with the City and to outline procedures for action in case of violation.

(B) Statement of Equal Employment Opportunity Policy: It is the policy of the City of Ogallala, Nebraska to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and City representatives, and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bonafide occupational qualifications which cannot be accommodated without undue hardship.

The goals and objectives of the Equal Employment Opportunity Policy are to:

(1) Ensure fair treatment and non-discrimination in City hiring, City employment, and in appointments to and service on City boards and commissions.

(2) Provide compliance with State and Federal equal opportunity requirements and regulations.

(3) Provide a basis for encouraging those who do business with the City to practice Equal Employment Opportunity.

(C) Program Responsibility: The Personnel Director shall serve as the Equal Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program. The Officer shall be the focal point for the City's equal opportunity efforts and shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate State and community agencies. The Equal Opportunity Officer will have responsibility to examine existing internal policies or procedures which may serve as barriers to implementing the Equal Employment Opportunity Program.

(D) Equal Employment Opportunity Practices: The Equal Opportunity Officer shall undertake the following actions to assure equal employment opportunities in the City:

(1) Periodically review all position qualifications and job descriptions to insure requirements are relevant to the tasks to be performed. Make recommendations as needed to delete requirements not reasonably related to the tasks to be performed.

(2) Assure that pay and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.

(3) Inform and provide guidance to staff and management personnel who make hiring decisions so that all applications for selections, promotion and termination, including those of minorities and women are considered without discrimination and all applicants be given equal opportunity regardless of race, creed, color, national origin, sex, marital status, age, or the presence or a sensory, mental, or physical disability unless such disability effectively prevents the performance of essential duties and functions required by the position and which are bonafide occupational qualifications which cannot be accommodated without undue hardship.

(4) Create a large pool of qualified candidates to encourage diversity and ensure equal employment opportunity in hiring. The following practices for listing jobs will be followed under the Equal Employment Opportunity Officer's direction: Regular full-time jobs must be open for a minimum of ten (10) working days. Jobs must be advertised in the City's paper of record.

(5) Provide orientation for all new employees specifically emphasizing how the City assures equal opportunity. Encourage all employees to avail themselves of services rendered.

(6) This policy shall be made known to all employees, contractors, and suppliers through distribution of the Equal Opportunity Policy. Applications for employment will include an equal opportunity clause.

(E) Appointed City Representative: Though employees represent a very important part of City government, there are other areas where non-discrimination is essential. One of these areas is in the appointment of boards, commissions and ad-hoc committees. Therefore, in order to enhance the appearance of fairness and non-discrimination in the City, the administration will strive to achieve a balanced representation of racial, social and ethnic persons on City boards, commissions and ad-hoc committees. Ensuring non-discrimination in the appointment of the City's representatives will encourage the fair and even-handed administration of the City's code and policies.

(F) Employee Development: The following actions shall be undertaken to achieve employee job satisfaction and fair treatment:

(1) Assure that there shall be no discrimination with regard to training and educational opportunities, upgrading, promotions, transfer and demotion, layoffs and termination of employees. Any actions which might adversely affect employees will be brought to the attention of the Equal Opportunity Officer.

(2) Actively encourage employees to increase their skills and job potential through training and educational opportunities. Offer guidance and counseling in developing programs tailored to individual aptitudes and desires, taking full advantage of programs offered by the State Department of Labor and other programs.

(G) Coordination With State and Federal Laws: The City recognizes its responsibilities to comply with and assure that equal opportunity and non-discrimination policies of state or federal agencies with which it conducts business are carried out. Specifically, the City shall:

(1) Be responsible for reporting to the appropriate agencies any complaints received from any employee of, or an applicant for employment with any City contractor or subcontractor, subject to Executive Order No. 11246, as amended, which requires affirmative action programs of certain government contractors and subcontractors.

(2) Cooperate in special compliance reviews or in investigations as requested.

(3) Carry out minority reporting functions of contractors or subcontractors as required by State or Federal laws.

(4) Furnish information as required, maintaining an affirmative action file detailing its efforts, with dates, to meet its commitments under Executive Order No. 11246, as amended.

(5) Standard City contracts will include a non-discrimination clause. The City's Equal Employment Opportunity Program shall be made available to any Federal or State agency upon request.

(H) EEO Grievance Procedures: In as much as the success of the Equal Employment Opportunity depends largely upon the attitude of the community as well as of the employees, opinion as to what constitutes fair and equal opportunity and treatment may vary widely and grievances may result. The following steps shall be taken for any grievance arising from the implementation of this program so as to maintain the best possible employee/supervisor and City/community relationships:

(1) Employees covered by a labor agreement containing a grievance procedure shall be encouraged to use it in seeking relief from alleged discriminatory practices. Employees may elect to bring a grievance through either the procedure outlined herein or the procedure in their labor agreement, but not both.

(2) Employees not subject to Paragraph 1 above shall bring their grievance to the attention of their immediate supervisor or department head, who will investigate as necessary to determine the cause of the complaint and work with the employee to effect an equitable solution. Every effort shall be made to resolve the difficulty at this level.

(3) At the option of either party, the services of the Equal Opportunity Officer may be requested. The Equal Opportunity Officer shall interview both parties, conduct additional investigation as necessary, and recommend appropriate corrective action and settlement conditions.

(4) In the event mutual agreement cannot be achieved and resolution is required by the Council President, signed statements detailing the grievance and specific investigative action shall be obtained by the Equal Opportunity Officer from the employee and her/his supervisor. The Officer may draw upon all resources at her/his disposal to arrive at recommended corrective action and settlement conditions.

(5) The Chairman may elect as deemed necessary and as circumstances dictate to refer the grievance to a special arbitration committee. Such committee shall be selected from among City employees and shall consist of an equal number of management and staff personnel. The Equal Opportunity Officer and those directly involved in the grievance shall not be voting members of this committee. Proceedings of the committee shall be documented and its decision shall be in the form of a recommendation to the Manager subject to review only by the State Human Rights Commission or through the judicial system. All reports, decisions and other documentation generated by the grievance procedure shall be maintained by the Equal Opportunity Officer as a matter of permanent record.

(I) Definitions:

(1) Equal Employment Opportunity Policy. It is the policy of the City to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and City representatives, and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion color, creed, color, national origin, age, sex, marital status, or the presence of a sensory, mental, or physical disability unless such disability effectively prevents the performance of essential duties required by the position and

which are bonafide occupational qualifications and which cannot be accommodated without undue hardship pursuant to Title I of the Americans with Disabilities Act.

(2) Equal Employment Opportunity Program. The written, results-oriented program specifically set forth in this policy detailing the steps to be taken to ensure equal employment opportunity.

(3) Equal Employment Opportunity Officer. That person designated by the City Council, responsible for meeting the obligations and responsibilities of the Equal Employment Opportunity Program.

(4) Appointed Representatives. Members of City-appointed boards, commissions and ad-hoc committees.

(J) Other: Violations of this policy may be cause for the full range of disciplinary action.

(K) Nondiscrimination Purpose: To establish guidelines for the promotion of fair practice and nondiscrimination in activities relating to employment and treatment of all citizens.

(L) Statement of Policy; Prohibition of Discrimination: It shall be the policy of the City of Ogallala, Nebraska, to guarantee equal opportunity to all qualified applicants an to all employees with respect to initial appointment, advancement, and general working conditions, without regard to age, race, creed, color, sex, or national origin. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or other non-merit factors shall be prohibited. Discrimination on the basis of age, sex, or physical disability, shall be prohibited except where specific age, sex, or physical requirements constitute a bonafide occupational qualification necessary for proper and efficient administration.

The City of Ogallala, Nebraska, shall promote and afford equal treatment and service to all citizens and to assure that all applicants are assured equal employment opportunity without regard to race, religion, creed, color, national origin, age, sex, marital status, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of essential duties required by the position and which are bonafide occupational qualifications and which cannot be accommodated without undue hardship. The City shall operate within the principles of equal employment opportunity and affirmative action guidelines set forth in Federal, State and local laws and regulations. All activities relating to employment including recruitment, testing, selection, promotion training and termination shall be conducted in a nondiscriminatory manner. The City of Ogallala, Nebraska, will cooperate fully with all organizations and Commissions organized to promote fair practices and equal employment opportunity.

1.070: Americans with Disabilities Act: Policy and Grievance Procedure

(A) Purpose: To provide a reasonable policy and procedure that will ensure:

(1) Equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the City of Ogallala Government;

(2) A bias free environment for disabled employees, or for disabled persons who seek employment with the City of Ogallala Government and,

(3) Prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

(B) Statement of Policy:

(1) The City of Ogallala, Nebraska, does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, or disability in employment or the provision of services. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment. The City, upon request, will provide reasonable accommodation in compliance with the Americans With Disabilities Act (ADA).

The City shall make reasonable accommodation for otherwise qualified disabled individuals to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals.

Reasonable accommodation shall be determined through consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

(2) The City of Ogallala, Nebraska, is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if such reasonable accommodation can be provided without undue hardship to the City. Disabled persons may request the auxiliary aids and services of their choice, which will be given primary consideration. Communication of accessibility will be included in City publicity announcements.

(3) The City has a commitment to ensure equal opportunities for disabled City employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to not promote discrimination of disabled employees. Detailed policies and procedures regarding employment practices are contained in the City's Personnel Policies and Procedures Manual.

(4) Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process.

(5) The City is also committed to ensure equal opportunity for disabled persons to participate on boards and commissions. Board and commission meetings will be held in accessible locations, requested auxiliary aids will be provided, and accommodation provided during the selection process of board and commission members. Through the recruitment process, the City will actively seek and invite the participation of board and commission members who are disabled.

(6) All future construction and renovation of City-owned buildings and facilities will be carried out in accordance with Section 504 and with ADA Accessibility Guidelines (ADAAG).

(7) In the event citizens, employees, or other participants in the City's

programs, services, and activities feel the City has violated their rights under the ADA, this policy provides a grievance procedure for handling such complaints.

(8) City staff will be trained to ensure that disabled persons may participate in and benefit from City programs, services, and activities.

(C) Program Responsibility: The Personnel Director shall serve as the ADA Coordinator to carry out the ADA Policy and Program. The ADA Coordinator shall be the focal point for the City's ADA efforts and shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the ADA Policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate State and community agencies. The ADA Coordinator will have responsibility to examine existing internal policies or procedures, which may serve as barriers to implementing the ADA Program.

(D) Grievance Procedure:

(1) The City of Ogallala, Nebraska, adopts the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC) regulations implementing Title I of the Americans With Disabilities Act (ADA) and the U.S. Department of Justice regulations implementing Title II of the American With Disabilities Act (ADA). Title I of the American With Disabilities Act (ADA) states that "no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." Title II of the Americans With Disabilities Act (ADA) states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

(2) Complaints should be addressed to: ADA Coordinator, City of Ogallala, 411 East 2nd Street, Ogallala, NE 69153. The telephone number is 308-284-3607. The ADA Coordinator has been designated to coordinate Americans With Disabilities Act (ADA) compliance efforts. He or she shall maintain the files and records of the City relating to the complaints filed and ensuing investigations.

(3) A complaint may be filed either in writing or verbally. It shall consist of the name and address of the person filing it, or on whose behalf it is filed, and a brief description of the alleged violation of the Americans With Disabilities Act (ADA) regulations. A complaint shall be filed within twenty (20) calendar days after the complainant becomes aware of the alleged violation.

(4) An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be commenced by the ADA Coordinator, or the designee of the ADA Coordinator, within ten (10) calendar days following the filing of complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.

(5) A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the ADA Coordinator and a written copy mailed to the complainant within thirty (30)

calendar days following the filing of the complaint.

(6) The complainant may request a reconsideration of the case determination of the ADA Coordinator in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within ten (10) calendar days following the date the complainant receives the determination of the ADA Coordinator. The request for reconsideration shall be made to the Mayor, City of Ogallala, 411 East 2nd Street, Ogallala, NE 69153. The telephone number is 308-284-6001. The Mayor shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The Mayor shall issue his or her decision on the request for reconsideration within twenty (20) calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant.

(7) The complainant may request a reconsideration of the case determination of the Mayor in instances where he or she is dissatisfied with the decision of the Mayor The request for reconsideration should be made within ten (10) calendar days following the date the complainant receives the determination of the Mayor. The request for reconsideration shall be made to the City Council through the City Clerk, 411 East 2nd Street, Ogallala, NE 69153. The telephone number is 308-284-3607. The City Council shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information and shall issue its decision thereon within thirty (30) calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the City Council of Trustees is final.

(8) The complainant's right to prompt and equitable resolution of the complaint must not be impaired by his or her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

(9) These rules shall be construed to:

(a) Protect the substantive rights of interested persons,

(b) Meet appropriate due process standards, and,

(c) Comply with the ADA and implementing regulations.

CHAPTER 2.000 CITY EMPLOYMENT

2.010: Hiring and Appointment Process

(A) The Personnel Department will administer and coordinate the hiring process for all position vacancies. All hiring efforts are conducted in the spirit of equal opportunity. All departments in announcing position vacancies will adhere to the following procedures.

(B) The Personnel Department will be notified immediately of all position vacancies. When a vacancy is to be filled, the supervisor shall submit a requisition to the Personnel Manager. The requisition shall state the title, the number of positions to be filled and other appropriate information. In addition, desirable special qualifications for the position under consideration may be indicated and the reasons therefore.

(C) Applications shall be submitted to the Personnel Department using the official City Employment Application form.

(D) No applications for a position are accepted after the published closing and/or receipt date. If there are not sufficient qualified candidates at the closing date, the position may be reopened and re-advertised. Applications shall include a statement from the applicant of all pertinent information regarding his or her education, experience, age, and other personal data.

The applicant must sign applications and the truth of all statements contained therein certified by such signature. The Personnel Department will screen all applications received to determine qualification for the position to be filled. Applicants may be disqualified for consideration for employment when any of the following facts exist:

(1) They do not possess the qualifications for the job.

(2) They are physically, mentally or otherwise unable to perform the duties of the position.

(3) They have demonstrated an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by the results of a reference check.

(4) They have made false statements of any material facts or practiced deception in their application.

(5) The applicant is not within the legal age limits prescribed by law.

Applicants who do not qualify under the examination criteria and/or are disqualified based on the above, shall be advised of the reasons by the Personnel Department.

(E) Testing: Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available.

The examination may consist of oral interview/application review, a structured questionnaire, practical tests, written tests, in-basket exercise or assessment center, etc. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills and abilities (KSA's) for the position.

The Personnel Department develops the examination contents with assistance provided by the affected department. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.

The Personnel Department staff, or other designee will administer the testing process. The Personnel Office shall ensure that all testing is based on bona fide occupational qualifications and shall ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner.

(F) Postponements/Cancellations: In the event a sufficient number of qualified applicants have not made application for any examination, the personnel department may postpone the last filing date and the date of the examination and shall give written notice to the applicants and affected department heads.

(G) Anonymity of applicants: All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of written examinations.

(H) Medical examinations: All appointees and re-appointees to positions may be required to take and pass a physical examination by a doctor designated by the City, at City expense, as a precondition of employment.

(I) Temporary appointments: The Personnel Manager may make appointments to temporary positions.

(J) Part-time appointments: The Personnel Manager may make appointments to part-time positions. Part-time employees shall normally work less than forty (40) hours in any calendar week.

(K) Transfers: A position may be filled by transferring an employee from another position with essentially the same basic qualifications and having the same maximum salary. Inter-departmental transfers must be approved by supervisors affected, the employee concerned and the Personnel Manager.

(L) Residency requirements: All permanent, full-time employees shall live within the corporate limits of the City of Ogallala. A waiver of this provision may be granted, by the City Manager, if it is determined that the employees ability to perform their duties will not be impaired.

2.020: Six Month Evaluation Period

(A) The six month evaluation period shall be an integral part of the examination process and shall be utilized by the supervisor as an opportunity to observe the new employee's work, to train and aid the new employee in adjustment to his position, and to reject any employee whose work performance fails to meet required work.

(B) All original and all promotional appointments shall be tentative and subject to an evaluation period of six (6) months of actual service. Any interruption of service during the evaluation period shall not be counted as a part of such period.

(C) Transfer: An employee who is transferred to another position in the same department prior to the completion of such employee's six month evaluation period shall complete that service period in the latter position by adding his service in the former position. Verification of satisfactory employment in the new position by the supervisor will be deemed to constitute verification of satisfactory service also in the original position. The provisions of this section will not apply in any case of transfer from one department to another.

(D) Dismissal: At any time during the six month evaluation period a supervisor or Personnel Manager may remove an employee whose performance is not

adequate for the position.

(E) Appraisal report: At any time during the six month evaluation period and in such manner as the Personnel Manager may prescribe the supervisor shall report in writing an appraisal of the employee's work performance to the Personnel Manager.

2.030: Budgeted Positions

The City Council under statutory and budgetary procedures shall decide the number and salary range of all permanent and temporary positions allowed to each department. Departments will not be allowed positions in excess of those approved by the City Council nor may the range of any position be changed without City Council approval. Request for new positions at all other times of the year must be submitted through the Personnel Manager and approved by the City Council.

2.040: Part-Time and Temporary Guidelines

(A) Part-time or temporary employees shall be compensated on an hourly basis at a rate based upon the regular pay range for the class of work. Such employees shall be paid only for time actually worked and shall not earn sick or annual leave or other employee benefits.

(B) The Department Head along with the Personnel Manager shall be responsible for hiring employees to fill vacant positions.

(C) Any person desiring employment with the City should first complete an application for employment and return it to the Department Head/Personnel Department.

(D) All appointees and reappointees to positions may be required to take and pass a physical examination by a doctor designated by the City, at City expense, as a precondition of employment.

(E) Employment shall be contingent on a determination that the proposed employee will be accepted for coverage under the City's liability insurance policy.

(F) Any willful misrepresentation of facts or failure to report pertinent data on the application form or any official employment record shall be just cause for dismissal from City employment.

2.050: Nepotism

(A) No applicant for a City position shall be considered for employment if the position for which he is applying would result in his working with a member of his immediate family. Nor shall any employee be promoted or transferred to the position in any department, which would result in his working with a member of his immediate family. These policies apply to all members of the immediate family of all personnel of the City. An exception to this section may be granted by the Personnel Manager.

(B) All other employees not affected by the preceding subsection shall not, directly, or indirectly, hire or supervise or be hired or supervised by a member of their family.

(C) Employees not affected by subsection a, who marry while working in the same department where one is supervisor to the other will be given a reasonable time for one or the other to secure another position either within the City in another department or outside City Government. For the purposes of this policy a reasonable time shall not normally exceed two (2) months.

(D) No restrictions shall be placed on employee benefits (except for health insurance dependent coverage), salary, and/or opportunities for advancement because of family relationship except as provided in this section.

2.060: Classification Procedures

(A) Preparation: The Personnel Manager shall ascertain the duties and responsibilities of each position. After analyzing this information and consulting with supervisors and other employees the Personnel Manager shall prepare and submit to the City Council a classification plan which shall group all positions into classes based upon their duties and responsibilities. The classification plan shall include class specifications, which shall set forth for each class of positions, a class title, a statement of duties and responsibilities and a statement of the qualifications. After the Personnel Manager has developed the classification plan, it shall be recommended to the City Council for adoption.

(B) Adoption: The City Council shall review and approve the classification plan prepared by the Personnel Manager, with or without amendment.

(C) Amendments: Any employee in the City service may initiate a request to the Personnel Manager to amend the classification plan. The Personnel Manager shall make the necessary investigation of any such request, and may make classification studies or surveys at other times on the Personnel Manager's own initiative. If the Personnel Manager finds that substantial change in organization, the creation or change of positions, or other pertinent conditions make necessary the establishment of a new class, amendment of an existing class, or abolition of an existing class, the Personnel Manager shall recommend such amendment to the City Council. The City Council shall review the amendment and if it approves, with or without change, the amendment shall become effective in the same manner as that provided for the adoption of the classification plan.

(D) Allocation of positions: As promptly as practicable after the adoption of the classification plan, the Personnel Manager shall, with the approval of the City Council, allocate each position to the appropriate class on the basis of its duties and responsibilities. Any employee whose position is allocated to one of the classes as provided shall be given an opportunity to study the specification for the class to which his position has been allocated and the specifications of other related classes to assist him in determining whether the allocation appears correct. Any such employee shall be given the opportunity to request a review and hearing on the allocation so made before the Personnel Manager to amend the classification plan. The Personnel Manager shall make the necessary investigation of any such request, and may make classification studies or surveys at other times on the Personnel Manager's own initiative. If the Personnel Manager finds that substantial change in organization, the creation or change of positions, or other pertinent conditions make necessary the establishment of a new class, amendment of an existing class, or abolition of an existing class, the Personnel Manager shall recommend such amendment to the City Council. The City Council shall review the amendment and if it approves, with or without change, the amendment shall become effective in the same manner as that provided for the adoption of the classification plan.

(E) Administration: Once adopted,

the Personnel Manager shall be charged with the responsibilities for the proper continued administration of the classification plan so that it will reflect the duties being performed by each employee in the classified service and the class to which each position is allocated.

(F) General prohibitions:

(1) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.

(2) No person seeking appointment to or promotion in the service of the City shall give, render, or pay any money, service, or other valuable thing to any person in connection with his test, appointment, or promotion.

2.070: Lateral Transfers

Any employee who is accepted for a lateral transfer between departments shall give his supervisor or department head two weeks prior notice before transferring. The department head of the department to which the employee is transferring is responsible for initiating the transfer paperwork.

2.080: Promotions

The policy of City of Ogallala is to give qualified employees advancement whenever possible. Priority consideration will be given to all employees for any vacant positions. An employee accepted for a promotional transfer between departments shall give his supervisor or department head two weeks notice before transferring between departments.

2.090: Demotions

A Department Head may demote an employee to a lower pay range when the concerned employee has been unable to competently perform his duties.

2.100: Reduction-in-Force

(A) The Personnel Manager may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least fifteen (15) working days to such employee. However, no regular employee shall be separated from any department while there are six month evaluation or temporary employees serving in the same class of positions in that department.

(B) Whenever a reduction-in-force in a department is necessary, retention of employees will be based on job performance and length of service and other pertinent criteria as determined by the Department Head and the Personnel Department.

(C) Any employee adversely affected by a reduction in force layoff may appeal such action to the City Council.

2.110: Resignation

Except as otherwise agreed to by a supervisor and Department Head, an employee who desires to resign in good standing with City of Ogallala and be eligible to receive accrued vacation as provided in these policies, shall submit a written resignation and give at least two weeks notice of his intent to the leave the City.

2.120: Reinstatement/Reemployment

(A) A terminated employee, who has left the City in good standing, can be reinstated under appropriate conditions. If

administrative or legal decisions indicate that it is appropriate, the City will reinstate terminated employees upon the recommendation of the Department Head and approval by the City Council, to an appropriate salary and pay range, provided there is a vacancy.

(B) Upon the approval of the Personnel Manager, a supervisor may reemploy a former regular employee to a position in his or her former class or in a lower class within two (2) years of the date of resignation or expiration of leave of absence.

(C) The names of regular employees who have been laid off shall be placed on the appropriate reemployment list.

(D) The supervisor may, with the approval of the Personnel Manager, appoint an employee who is to be laid off to any existing vacancy in a lower class for which he/she is qualified.

2.130: Disciplinary Proceedings

(A) Employees are to conduct themselves in a professional manner. As professionals working for the public, employees should exhibit good work habits which include, but are not limited to:

(1) Diligent performance of duties;

(2) Cooperation with co-workers;

(3) Promptness; and

(4) Good attendance.

(B) Employees may be disciplined for misconduct which includes, but is not limited to:

(1) Insubordination;

(2) Unreported absence from work;

(3) Excessive absenteeism;

(4) Working while intoxicated;

(5) Negligent violation of an order or regulation;

(6) Abuse of benefits;

(7) Unauthorized use of public property; and

(8) Gross or repeated neglect of duty.

(C) Each Department Head shall be responsible for administering any necessary disciplinary action according to the following guidelines:

(1) Reprimand: A supervisor and/or Personnel Manager may reprimand any employee for cause. Such reprimand shall be in writing and addressed to the employee. A signed copy shall be delivered to the Personnel Manager for inclusion in the employee's personnel file.

(2) Suspension: A supervisor and/or Personnel Manager may suspend any employee without pay for cause for a period or periods not exceeding sixty (60) calendar days in any twelve (12) months, however, no single suspension shall be for more than thirty (30) calendar days. The supervisor shall notify the employee concerned and the Personnel Manager in writing not later than one day after the date that the suspension is made effective. Such notice shall include the reasons for and the duration of the suspension.

(3) Resignation: Any employee who may be disciplined for misconduct may resign from service immediately by submitting his/her resignation in writing to his/her supervisor. Such resignation shall be promptly forwarded to the Personnel Manager by the supervisor.

2.140: Dismissal

(A) An employee who commits misconduct may be immediately dismissed from work.

(B) If an employee whose job description requires the operation of a City owned vehicle or equipment is excluded from coverage under the City's liability insurance coverage, the employee may be dismissed.

(C) Any employee so dismissed shall have the right to appeal to the City Council, in writing, within ten (10) days of the date of dismissal.

2.150: Permanent Personnel Records

(A) The personnel department shall maintain copies of all appointments, change-of-status, leave of absence, and termination forms along with permanent employee file folders for such period of time as the law prescribes.

(B) An employee wishing to review his own record may do so by arrangement with the personnel department. Except as mentioned in Section 2.160 below, no other person may be allowed access to an employee's records without the prior authorization of the affected employee. Removal of original records from the office without approval of Personnel Manager is prohibited.

(C) Reports: Personnel Manager shall approve every appointment, transfer, promotion, demotion, dismissal, sick leave, vacation leave, change of salary rate, leave of absence without pay and other temporary or permanent changes in the status of employees through written memo from the department supervisor.

2.160: Open Records Act

The names, sex, ethnicity, salaries, titles, and dates of employment of all public employees are expressly made public by section 6 (2) of the Open Records Act. Home addresses, home telephone numbers, and Social Security Numbers are also made public information unless "special circumstances" and a history of affirmative action by the employee to restrict public access can be shown.

2.170: Employee Orientation

The Personnel Manager may provide for oral, written visual, or other training aids to familiarize new employees with their obligations and rights in the City service and the general functions of the City government. With the advice and assistance of supervisors, the Personnel Manager may also provide for orientation as to specific service of the department to which assigned and training courses having reference to work assignments of new employees. The purpose of any such orientation training programs shall be to familiarize new employees with their working conditions and duties.

2.180: Employee Evaluation

The Personnel Manager shall assist supervisors in developing standards of performance and systems for evaluating and recording work performance in relation to such standards. The standards of performance shall give consideration to the

quality and quantity of work done, the manner in which the service is rendered, the conduct of employees, their faithfulness to their duties, and such other work characteristics as will measure fairly the work performance of employees. Such standards of performance and performance evaluations may be used in determining the suitability of six month evaluation employees, in determining eligibility for salary adjustments, in discovering employees who should be transferred or promoted, in rating suitability for promotion, and in developing necessary training activities. Performance evaluations shall be reported in such manner and times as the Personnel Manager may require but in no event shall evaluations occur less than once within a twelve (12) month period. Each employee shall be notified of his or her evaluation from period to period and such employee's supervisor shall explain to the employee in detail the reasons for the evaluation.

CHAPTER 3.000 WAGE HOURS OF WORK AND SALARY ADMINISTRATION

3.010: Hours of Work

(A) Generally for non-uniform personnel, eight (8) hours shall constitute a day's work and five (5) calendar days, Monday through Friday, shall constitute a week's work for all municipal employees, except:

(1) Professional or supervisory employees classified as FLSA overtime exempt.

(2) Uniformed personnel, whereas, one hundred sixty-eight (168) hours in a twenty-eight (28) consecutive day period will be the work period.

(B) For FLSA overtime exempt positions which are professional, supervisory or administrative in character, the normal work week of forty (40) hours generally applies; but the compensation is intended to be appropriate for the class regardless of variation in the time that may be required to satisfactorily fulfill the responsibilities of the position in each class.

(C) Hours of Operation: Generally for non-uniform personnel, an eight (8) hour workday shall begin no sooner than 7:00 AM. Exceptions may be granted by department supervisors for reasons associated with:

(1) Construction, maintenance and/or repair.

(2) Travel and attendance to & from approved training & functions.

(3) Weather.

(4) Personnel shortage.

3.015: Meal and Rest Periods

(A) Meal Period: Bona fide meal periods are not work time and are not compensable. The employee must be completely relieved from duty for the purpose of eating a regular meal. Generally, meal periods are allowed after a 4-hour work period and last between 30 and 60 minutes.

(B) Rest Period: Bona fide rest periods are work time and are compensable. The employee is not completely relieved from duty for the purpose of a rest period and may be required to return to duty at any time during the rest period. Generally, rest periods are allowed at the mid-point of a 4-hour work period and last between 5 and 15 minutes.

3.020: Overtime Provisions/FLSA Non-Exempt Only

(A) In emergencies, a supervisor may prescribe reasonable periods of overtime work to meet operational needs. Such overtime shall be reported separately on the time records and the payrolls of the department. In no case will overtime be allowed without the approval of the supervisor concerned.

(B) Overtime worked by municipal employees shall be compensated by pay or compensatory time off in accordance with the following procedures:

(1) Work performed in excess of forty (40) hours per week shall be compensated at the rate of time and one-half for the number of hours of overtime worked. FLSA overtime-exempt professional or supervisory personnel shall

be exempt from overtime compensation. Holidays shall be counted as days worked in computing overtime.

(2) Work performed by FLSA non-exempt uniformed personnel in excess of forty-two (42) hours in a seven (7) consecutive day period shall be compensated at the rate of time and one half for the number of hours of overtime worked. Leave taken in the seven (7) day period shall be counted as days worked in computing overtime. FLSA non-exempt uniformed personnel shall be compensated at the rate of time and one-half for the number of hours worked on a holiday.

(C) A full-time employee required to work on a prescribed holiday shall be compensated by payment on the basis of two (2) times their regular pay, regardless of the number of hours worked in the work period. The provisions of this section providing for holiday pay shall not be applicable to FLSA exempt employees and uniform personnel.

(D) Compensatory time off should be granted as soon as practicable after accrual with the advance approval of the department head, provided that operation of the department is not impaired. Compensatory time shall be used prior to use of accumulated vacation leave. Accumulations of compensatory credit shall not be permitted to exceed an amount equal to ten (10) days.

3.030: Basic Pay Schedule

The basic pay plan provides a systematic means for establishing and maintaining salary equity for all classified City employees. The pay plan is designed to allow maximum flexibility in a competitive job market. All approved job classifications will be assigned to the appropriate range on the pay plan.

3.040: Compensation Procedures

(A) The Personnel Manager shall develop a recommended pay plan for all positions which shall be based upon the position classification plan and adhere to the general principle of like pay for like work. Ranges of pay shall be established for each class of positions, comprised of minimum, intermediate, and maximum pay rates. The plan shall prescribe the manner of its administration, including the methods of fixing individual pay rates and of awarding pay increases within the established ranges.

(B) The Personnel Manager shall prepare and submit the recommended pay plan to the City Council for consideration and approval. The plan shall become effective when adopted as an ordinance by the council. Amendments to the plan shall require the same approvals.

(C) Original Appointments: The hiring rate is the dollar amount, within the salary range assigned to the job class, at which a new employee is hired.

(D) Re-employment: The names of regular employees who have been laid off shall be placed on the appropriate reemployment list. When any employee is re-employed in a class in which they were previously employed, the Personnel Manager may authorize an appointment at the salary step in the range for the class corresponding to that which the employee had been receiving upon the termination of their previous service. Any employee who has retired from the service of the City, and who is receiving a pension or retirement benefits, shall not be reemployed in a full time permanent capacity. The provisions of

this section shall not apply to the employment or reemployment of a wife, widow or other beneficiary of a retired employee.

(E) Salary increase: An employee shall be eligible for a salary increase within the appropriate salary range on the satisfactory completion of a six month evaluation period. Thereafter, salary increases within the appropriate salary range may be granted by the Personnel Manager for meritorious service, if supported by a recommendation of the supervisor. The increase shall be made at the end of each year of service in class. If the supervisor fails to make such recommendation, the supervisor shall notify the employee concerned, in writing, of the reasons. Salary increases or decreases resulting from the amendment of the compensation plan shall not prevent range increases in accordance with this section.

(F) Salary decreases: The Personnel Manager may reduce for cause the salary of an employee within the salary range prescribed for the class. Notice of intention to effect a reduction in pay and the reasons for such action shall be given to the employee not less than fifteen (15) days prior to the effective date of reduction. An employee whose salary is reduced may request a hearing before the City Council.

(G) Lateral Transfers: In the case of lateral transfer, the employee's rate will remain unchanged at the time of transfer.

(H) Demotions: A demotion shall include a reduction in the pay range. A demoted employee will be placed at a lower pay range, but their salary shall be reduced only as necessary to bring their rate of pay to within the range of the lower classification.

(I) Promotions: A promotion shall include an increase in the pay range. A promoted employee will be placed at a higher pay range, but their salary shall be increased only as necessary to bring their rate of pay to within the range of the higher classification.

(J) Lay-offs (Reduction in force): The Personnel Manager may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least fifteen (15) working days to such employee. However, no regular employee shall be separated from any department while there are six month evaluation or temporary employees serving in the same class of positions in that department. Whenever a position is abolished or a reduction in force becomes necessary, the employees best qualified to perform the work shall be retained. Any employee adversely affected by a reduction in force layoff may appeal, in writing within ten (10) days, such action to the City Council.

(K) Limitation of available funds: All ordinary and special compensation provisions of this division shall be affected only in the event sufficient funds for the respective purposes are available and have been budgeted.

3.050: On-Call Time and Call-In Pay

(A) All FLSA Overtime Non-Exempt Employees working in the Water, Wastewater and Street Departments are required to periodically serve in an on-call status during their off-duty hours to receive emergency calls for City services. On a rotating basis, each employee will be on-call for a specified calendar week (To be determined by their immediate supervisor). The on-call employee will be provided with a cellular telephone on which emergency calls

may be received. When on-call, an employee must:

- Check the working status of the cellular phone before on-call status begins;
- Maintain the phone in operational mode at all times;
- Generally speaking, available within twenty (20) minutes travel time from Ogallala;
- Answer emergency calls and take appropriate response action.

(B) On-call employees shall be compensated at the rate of $50 for the on-call week (To be determined by their immediate supervisor). Additionally, employees shall be compensated one and on-half (1½) times their regular rate of pay for the time spent answering and responding to emergency calls during off-duty hours.

(C) Due to unforeseen or emergency circumstances, employees may be required to respond to a call-in by working during off-duty hours with minimum pay for one-half (1/2) hour.

(D) FLSA Overtime Exempt employees are not eligible for on-call or call-in compensation.

CHAPTER 4.000 LEAVE POLICIES

4.010: Notification of Absences

Regular attendance is important to the overall operation of the department. If for any reason an employee is unable to report to work, he should notify his immediate supervisor not later then one (1) hour before his starting time.

4.015: Request for Leave

Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his/her immediate supervisor. Where practicable, an employee should give his/her immediate supervisor at least 30 days notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days notice for foreseeable leave, the leave request may be denied until at least 30 days from the date that the City receives notice. Leave taken prior to submitting a written request, and receiving approval, shall be considered "Absence Without Leave" (§4.090). This policy does not apply for procedure for Request for Leave under the Family Medical Leave Act.

4.020: Vacation Leave

(A) Each full-time employee in the classified service of the City shall earn vacation leave in accord with bi-weekly pay periods at the following rate:

(1) Employees with less than five (5) years of continuous service, eight (8) hours for each full month of service in a calendar year.

(2) Employees with five (5) or more years of continuous service, ten (10) hours for each full month of service in a calendar year.

(3) Employees with ten (10) or more years of continuous service, twelve (12) hours for each full month of service in a calendar year.

(B) "Continuous service" shall be based on continuous length of service without a break or interruption. Absence on authorized leave with pay shall not constitute a break or interruption.

(C) Vacation leave shall not accrue during any period when a full-time employee is absent from work, without full pay, the duration of which exceeds five (5) working days.

(D) Vacation leave may be accumulated up to a maximum of 200 hours for full time employees. Once the maximum vacation leave is reached, employees will not accrue vacation leave until the vacation leave balance is below the maximum.

(E) Vacations will be granted to employees at the discretion of the department supervisor who shall give due consideration to the needs of the department and the ability of remaining staff to perform the necessary work. Supervisors shall review and respond to vacation requests in a timely manner. Priority shall be given to employees who have reached the accrual limit.

(F) Supervisors may direct an employee to take vacation in such cases the supervisor deems it in the best interest of the department and/or employee. The

employee may appeal as set forth in Chapter 7 of the Personnel Manual.

(G) An official City holiday occurring during an employee's vacation leave shall not be charged against vacation leave.

(H) Executive leave with pay: FLSA overtime exempt Supervisory employees may receive up to five (5) days of executive leave per calendar year in addition to the leave as provided by this division, to be used at the personnel director's discretion. Executive leave shall not be carried over from one calendar year to the next.

(I) Administrative leave with pay: This leave may be granted at the discretion of the City Manager for extenuating circumstances. Generally administrative leave with pay shall not exceed five (5) working days.

(J) Six month evaluation employees: Vacation leave will accrue to six month evaluation employees for time served; however, no vacation leave will be granted during the six month evaluation period of service without prior approval of the Personnel Manager.

(K) Absence for a fraction or part of a day that is chargeable to vacation leave in accordance with these provisions shall be charged proportionately in increments not smaller than one-half (1/2) hour of a day or shift.

(L) Paid upon termination: Any employee who resigns or is separated from the City service, except in cases where the employee has been guilty of fraud or other activities resulting in monetary loss to the City, shall be entitled to cash compensation for unused vacation leave, excluding executive leave.

4.030: Sick Leave

(A) Sick Leave: Sick leave with pay shall be granted to employees for the following reasons:

(1) Personal illness or physical incapacity resulting from causes beyond the control of the employee;

(2) Enforced quarantine of the employee in accordance with community health regulations;

(3) To keep a doctor's or dentist's appointment for employee or family member, if appointment cannot be scheduled other than during work time;

(4) Illness or medical condition related to a childbirth of a family member;

(5) To care for a family member.

(B) Rate and maximum accumulation: Sick leave with pay shall accrue and accumulate to employees in the following manner:

(1) Sick leave will accrue to a regular, full time employee, at the rate of (8) eight hours for each complete calendar month of service. Each full time employee may rollover four hundred eighty-eight hours of sick leave from one calendar year to the next. The remainder will be reimbursed to the employee as per the policy below (4.030 B.3.).

(2) Sick leave shall not accrue during any period when a full-time employee is absent from work, without full pay, the duration of which exceeds five (5) working days.

(3) Regular full time employees shall be compensated for unused sick leave in excess of four hundred eighty hours at the

rate of 50%; such payment shall be made once a year during the first pay period in December.

(4) Upon termination, regular full time employees shall be compensated for unused sick leave at the rate of 25% for any accumulated sick leave up to the four hundred eighty hours and at the rate of 50% for the balance over four hundred eighty hours.

(5) Absence for a fraction or part of a day is chargeable to sick leave in accordance with these provisions proportionately in increments not smaller than one-half (1/2) hour of a day or shift.

(C) Approval of sick leave: Sick leave with pay in excess of three (3) consecutive work days for reasons of personal illness or physical incapacity shall be granted upon approval by the employee's department head or after presentation of a written statement by a licensed medical doctor or dentist certifying that the employee's condition prevented him from performing the duties of his position. In order to be granted sick leave, an employee must report to his department head or immediate supervisor the reason for the absence no later than four (4) hours after the beginning of the first work day for which sick leave is taken and keep his department head informed of his physical condition if the absence is more than three (3) work days in duration.

(D) Unnecessary use of sick leave: Sick leave in excess of an employee's accrual allotment may be deducted from an employee's salary if such sick leave was taken without just reason and if deemed necessary by the personnel director.

(E) Special provision:

(1) Sick leave without pay: An employee who needs sick leave and who does not have any accrued sick leave credits, may request leave without pay. Such a request shall have the department head's approval before it is granted and the personnel director may grant such leave if it is in the best interest of the City to do so.

(2) Accident-injury leave: Accident leave shall be provided to allow a period of recovery from on-the-job injuries or accidents.

(3) Pregnancy: Pregnancy, childbirth or a medical condition related to childbirth or pregnancy, when supported by a physician's certificate, will not permit the employee to perform normal or suitable alternate work duties. An employee who has exhausted her allowance for sick leave may, with the approval of the personnel director, utilize accrued annual vacation leave during pregnancy, childbirth or a medical condition related to childbirth or pregnancy, and shall be entitled up to six (6) weeks maternity leave without pay when all accumulated allowances have been exhausted. All pregnancy or maternity leave may require support by a physician's certificate that the employee is unable to perform her normal or suitable alternate work duties.

(F) Notice to City:

(1) The employee shall be responsible for immediately notifying his or her supervisor when it is necessary to be absent from work for any reason for which sick leave may be granted, and shall keep the supervisor currently informed of his or her condition. Failure to fulfill these responsibilities may result in denial of approved use of sick leave.

(2) Verification of use: The supervisor shall be responsible for the use of

sick leave allowances by the employees in their department, and shall verify appropriate use. The supervisor or personnel director may require a medical certificate from the employee's physician attesting to the incapacity of the employee to perform normal duties, or other assigned duties which are less physically demanding or may require a medical examination of the employee by a physician designated by the personnel director.

(G) Sick Leave Donation: Employees may voluntarily donate their sick leave time to another employee when a non-job related illness or injury of the employee or their immediate family member has exhausted the recipient's paid leave, major illness leave, holiday and comp time. Employees may donate their sick leave time to another employee subject to the following guidelines:

(1) The employee(s) voluntarily decide how much sick leave to give and to whom.

(2) The City Manager is responsible for communicating the need on a city-wide basis. Donations will be accepted on a first donated, first accepted basis, until the designated need is met. If more than the designated amount is contributed, employees will be notified that the need has been met.

(3) Employees will e-mail or by direct contact with Clerk staff, give their authorization to transfer leave to City Clerk within the designated time frames.

(4) Sick Leave is the only leave type authorized for the Leave Donation program.

(5) Leave donation would be allowed only in the event of non-job related illness AND catastrophic injury or illness of an employee or a member of the employee's immediate family. The definition of "immediate" would be the same as currently defined in Appendix A of the City of Ogallala Personnel Policy and consistent with the Family Medical leave Act (FMLA). Catastrophic illness or injury is defined as follows:

One which is unanticipated, non-job related, not self inflicted, and requires an employee's absence without pay for a period of at least two weeks after all leave balances have been exhausted. This is further defined as those illnesses or accidents which require confinement in a hospital or accidents which require extensive medical care of an unforeseeable nature. Examples include life threatening injury or illness, cancer, AIDS, heart surgery, stroke, etc. Catastrophic illnesses shall not include elective surgery nor unforeseeable medical care rendered as a result of something other than injury or disease.

Area or issues that would disqualify an individual from receiving this benefit would include: If an employee has been counseled about the misuse of sick leave, through the organization disciplinary process or through a performance evaluation within the previous 12 months. Supervisors will have the responsibility to make that determination.

(6) Leave given by one employee would be transferred on an hour-for-hour basis without regard to pay differential. The recipient of the donated leave would be paid for the donated time at their current rate of pay.

(7) The minimum donation from one employee to another would be in one day (8 hour) increments of sick leave. An employee wishing to donate should have at least 40 hours remaining (after their donation) in their accrual bank for their own needs.

(8) The maximum amount of leave an employee could donate to another employee would be half of their own annual entitlement.

(9) The maximum amount of leave an employee could receive from other employees would be up to 60 days, or 480 hours, in any 12 month period. Exceptions may be granted by the City Manager.

(10) If an employee is using benefits with the FMLA, benefits for the Leave Donation program will only be extended during the twelve weeks the FMLA benefits are in place.

(11) Any employee can request donations be collected for another employee. Prior to a request for donations being released the recipient of donated hours will sign a "Request to become a Recipient" form. If the employee declines the offer of collection, the process will not be continued.

(12) Donated leave will be transferred to the employee after all other leave has been exhausted. Unused donations in the event of the employee's death would be returned to the donator through the City Clerk.

(13) Recipients may request that a letter of thanks be sent to the donors through the City Manager's office. Donors will remain anonymous to all parties, with the exception of the responsible parties in the City Clerk's office. Donated leave represents taxable income to the recipient.

4.040: Funeral Leave:

(A) Every regular or six month evaluation employee may, with the approval of their department head, be permitted to take funeral leave for a death in the immediate family or household of the employee for such period as the attendance of the employee may be necessary. Funeral leave with pay shall not exceed three calendar days. If funeral travel is over 300 miles one way, an additional three (3) days may be granted. Leave allowances shall be determined by the personnel director depending on the necessity of the circumstances.

(B) Immediate family or household shall mean father, mother, sister, brother, grandfather, grandmother, spouse, children or grandchildren that are related by blood, marriage or adoption to the employee.

(C) The personnel director may permit funeral leave with pay in such other instances as the personnel director determines justifiable by the relationship between the deceased and the employee.

4.050: Leave Without Pay

(A) In the event of an emergency condition or other situation where an employee feels that leave from his job is necessary but has not accrued sufficient leave time, the City may grant a leave without pay. Granting a leave without pay is a matter of administrative discretion and an employee may not demand that such leave be granted. Leave without pay is generally discouraged because it deprives a department of needed services. However, reasonable requests for such leave will be carefully considered.

(B) An employee shall take all accrued vacation time before a leave without pay is granted.

4.060: Military Leave

(A) A permanent employee of City of Ogallala who is a member of a reserve unit of the United States Armed Forces and who is called to active duty shall be granted a maximum of fifteen (15) days per year for military leave without loss of pay or accrued vacation pay.

(B) A military leave of absence may be granted to an employee when the period for military service is longer than 15 days allowed; in such instance, the vacated position may be filled temporarily or permanently at the discretion of the department head and personnel director. Upon the termination of a military service a returning employee shall be reassigned to his former job or shall be given a job with duties and salary similar to that position which was vacated.

(C) Military leave shall not be used for routine drills or meetings and shall be granted only when requests are accompanied by written orders.

(D) Military leave without pay: All classified employees of the City who leave a position for the purpose of being inducted into, enlisting in, determining his physical fitness to enter, or performing training duty in the armed forces of the United States or the National Guard of Nebraska shall, when ordered by proper authority to active service, be entitled to a leave of absence from such employment for the period of such service, plus ninety (90) days, without loss of status.

(E) The proper appointing authority may make a provisional appointment to fill any vacancy created by such leave of absence. When such person is separated from active duty under conditions other than dishonorable, he shall be entitled to return to his or her former position or a position of like seniority, status, and the then prevailing pay, if he or she is still qualified to perform the duties of the former position. If such person is not qualified to perform the duties of such position upon his return by reason of disability sustained during the service but is qualified to perform the duties of any other position in the City service he or she shall be restored to such other position, the duties of which he or she is qualified to perform, as will provide him or her with the same seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in the case. Application for re-employment shall be made within thirty (30) days after he or she is discharged from active duty.

4.070: Worker's Compensation and Injury on the Job

(A) Employees shall report all accidents and injuries to their department supervisors as soon as possible after the accident.

(B) Injuries of a minor, first aid nature may be treated at the job site or department office. If the injury requires medical attention, the employee may consult his family doctor. Volunteer Ambulance Squad services shall be used to transport employees to the hospital if the accident or injury results in incapacitation of the employee.

(C) Within five (5) days of the accident, the affected employee shall file an accident-injury report at the City offices for insurance purposes.

(D) Employees who have an accident with a City-owned vehicle shall first notify a law enforcement agency and then his department supervisor. This shall be done regardless of how minor the accident may be.

4.080: Holidays

(A) An employee of City of Ogallala will observe the holidays designated by official action of the City Council:

(1) New Year's Day
(2) Martin Luther King Day
(3) Presidents' Day
(4) Memorial Day
(5) Independence Day
(6) Labor Day
(7) Columbus Day
(8) Veterans' Day
(9) Thanksgiving Day
(10) Day after Thanksgiving Day
(11) Christmas Day

Designated holidays occurring on Saturday will be observed on Friday and holidays occurring on Sunday will be observed on Monday as designated by the City Council.

(B) Holidays, which occur during a vacation or sick leave, shall not be charged against that leave.

(C) Employees who are absent without supervisor approved leave immediately preceding or following an official holiday shall not be paid for the holiday.

(D) A suspension for disciplinary reasons shall be treated as an absence without leave under this section.

(E) Uniformed personnel required to work shift schedules will be paid eight (8) hours for each holiday. FLSA non-exempt uniformed personnel will recognize all holidays on the actual holiday (12:00 A.M. – 11:59 P.M.) , not the designated holidays recognized by non-uniformed personnel.

4.090: Absence without leave

(A) Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be made grounds for disciplinary action by the Personnel Manager. In the absence of such disciplinary action any employee who absents himself for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered by the department head by a subsequent grant of leave with or without pay where extenuating circumstances are found to have existed.

(B) No payment for any leave of absence shall be made until leave has been properly approved. Notification of any leaves of absence without pay shall be submitted to the Personnel Manager prior to the taking of leave whenever possible.

4.100: Jury Duty

(A) Jury Duty: Employees of City of Ogallala who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee’s normal work schedule.

(B) Official Court/Administrative Tribunal Attendance: Employees who are subpoenaed or ordered to attend court/administrative tribunal to appear as a material witness or to testify in some official capacity on behalf of the City, shall be entitled to leave with pay for such period as his/her court/administrative tribunal attendance may require unless:

(1) The testimony or evidence relates to or arises from the employees’

commercial, business, or other personal matters; or

(2) The testimony or evidence relates to the employee's own misconduct or unlawful conduct.

An employee who appears in court and provides testimony regarding the personal matters in points 1 and 2 listed above must use accrued vacation leave, compensatory time, or take leave without pay.

(C) Fees: Because the City does not withhold pay from eligible employees on approved jury duty or official court attendance, staff will be paid their salary for the day less jury duty pay for that particular day. Employees who are employed at less than full time will be paid their salary less jury duty pay for that particular day.

(D) Cancellation of leave: The Personnel Manager, upon notice to the employee and the supervisor, may cancel an approved leave of absence at any time he finds that the employee is using the leave for purposes other than those specified at the time of approval. In case of emergency the Personnel Manager may cancel all leaves.

4.110: Family Medical Leave Act

(A) Eligibility: To be eligible for benefits under this policy, an employee must:

(1) Have worked for City of Ogallala at least 12 months (it is not required that these 12 months be consecutive); and

(2) Have worked at least 1250 hours during the previous 12 months.

(B) Qualifying Events: Family or medical leave under this policy may be taken for the following situations:

(1) The birth of a child and in order to care for that child;

(2) The placement of a child in the employee's home for adoption or foster care;

(3) To care for a spouse, child, or parent with a serious health condition; or

(4) The serious health condition of the employee.

(C) Serious Health Condition: Serious health condition of the employee shall be defined as a health condition that makes the employee unable to perform the essential functions of his/her job. Serious health condition of a spouse, child, or parent shall be defined as a condition which requires inpatient care at a hospital, hospice, or residential care medical facility, or a condition which requires continuing care by a licensed health care provider.

(D) Leave Amount: Up to twelve weeks leave per 12 month period may be used under this policy. The City will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time. If a husband and wife both work for the City, the maximum combined leave they shall be allowed to take in any 12-month period for the birth or placement of a child is 12 weeks.

(E) Paid or Unpaid Leave: If an employee has accrued leave, the employee shall be required to use appropriate paid leave first with the remainder of the 12 weeks as unpaid leave.

An employee who is taking leave because of the employee's own serious health condition, or the serious health condition of an eligible family member, shall be required to first use all paid vacation, sick leave, and any other paid leave, except for FLSA compensatory time, with the rest of the 12 week leave period being without pay.

An employee taking leave for the birth of a child shall be required to take paid sick leave, and/or other paid leave for the recovery period, except for FLSA compensatory time, after the birth of the child prior to going on leave without pay.

After the recovery period from giving birth to a child, the employee shall be required to use vacation and other available paid leave, except for sick leave or FLSA compensatory time, prior to going on leave without pay.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use all paid leave due, except for sick leave or FLSA compensatory time, prior to going on leave without pay.

The maximum amount of paid leave and unpaid leave that may be used under this policy in any 12-month period is 12 weeks.

(F) Insurance: While on leave under this policy, the City shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work.

The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued.

Payment for dependent or other coverage as stated in the section immediately above, shall be made through regular payroll deduction while the employee is on leave with pay. While on leave without pay, the employee shall be required to pay for premiums due to the City no later than 30 days after the due date which the City sets or the coverage shall be discontinued.

(G) Intermittent leave and reduced schedule: Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee's eligible family member.

A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee's eligible family member.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility.

(H) Physician's Statement: The City shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy. The employee should respond to the request within 15 days of the request or provide a reasonable explanation for the delay. Certification of the serious health condition of the employee shall include:

(1) The date the condition began;

(2) Its expected duration;

(3) The diagnosis of the condition;

(4) A brief statement of the treatment; and

(5) A statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of the serious health condition of an eligible family member shall include:

(1) The date the condition began;

(2) Its expected duration;

(3) The diagnosis of the condition;

(4) A brief statement of the treatment; and

(5) A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The City shall have the right to ask for a second opinion from a physician of the City's choice, at the expense of the City, if the City has reason to doubt the certification. If there is a conflict between the first and second certifications, the City shall have the right to require a third certification, at the expense of the City, from a health care practitioner agreed upon by both the employee and the City, and this third opinion shall be considered final.

(I) Requesting Leave: Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his/her immediate supervisor. Where practicable, an employee should give his/her immediate supervisor at least 30 days notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days notice for foreseeable leave, the leave request may be denied until at least 30 days from the date that the City receives notice. Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Where an employee is placed in another position, it will be one which has equivalent status, pay, benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility and authority. The City shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum 12 weeks of leave allowed under this policy, or elects not to return to work after using the maximum leave.

(J) Repayment of premiums: Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the 12 weeks maximum leave allowed under this policy shall be required to reimburse the City for all medical premiums

paid by the City while the employee was on leave without pay.

(K) Other benefits: While on leave without pay under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

(L) Other issues: Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal and Medical Leave Act (FMLA) and the regulations issued to implement it.

4.120: Safety Leave

(A) Each full time employee shall be entitled to eight (8) hours of paid leave during the calendar year, which shall be taken within the pay period of the employee's birthday, provided that no member of the department in which the employee is assigned has experienced reportable job related physical injury during the previous calendar year.

(B) A reportable injury shall be defined as a physical injury requiring medical attention other than the basic first aid available on site.

(C) The Safety Committee shall review all injury incidents and shall recommend to the City Manager which injuries should be classified as reportable.

(D) For further reference see City of Ogallala Safety Manual.

4.130: Public Safety Service

City of Ogallala employees are encouraged to become members of volunteer public safety services provided by the City of Ogallala and to respond to calls for assistance whenever possible and without disruption or interruption of a department's normal operation.

(A) A permanent employee of the City of Ogallala who is a member of a volunteer, non-paid, public safety service of the City of Ogallala and who is called for assistance shall be allowed to respond, with authorization from their department supervisor. An employee's response to assistance for public safety service without their department supervisor's authorization is cause for disciplinary actions. The employee authorized to respond for assistance shall do so without loss of pay or accrued vacation pay or other benefits only for those hours that the employee would be performing their usual and customary duties for the City. Employee shall accrue no overtime while performing any volunteer, non-paid, public safety service.

(B) A permanent employee of the City of Ogallala who is a member of a volunteer, paid, public safety service of the City of Ogallala and who is called for assistance shall be allowed to respond, with authorization from their department supervisor. An employee's response to assistance for public safety service without their department supervisor's authorization is cause for disciplinary actions. The employee authorized to respond for assistance, and is compensated for assistance provided, shall consider the time from work "Leave Without Pay" (§4.050).

CHAPTER 5.000 PERSONAL CONDUCT

5.010: Use of City Owned Property

The utmost care shall always be exercised in using City of Ogallala property to minimize damage to equipment or waste of supplies. Intentional or negligent damage of City owned equipment will be grounds for dismissal. City property and equipment shall be used for City business and public purposes only.

(A) Vehicles: City-owned motor vehicles shall be used for official City business only and must be available for City business at all times.

City vehicles may be taken home overnight, upon approval by the employee's Department Supervisor, as follows:

(1) When attendance to a meeting, whether inside or outside of the City, takes place late at night after normal working hours or early in the morning prior to normal working hours,

(2) Those employees designated by the Department Head to be "on duty" or "on 24-hour call" for department/division emergencies. Employees residing outside of the corporate limits of the City shall not take a City vehicle home when "on 24-hour call".

City vehicles may be used for travel to lunch:

(1) When an employee is on City business or on duty.

(2) When an employee is in town in a City vehicle in a location where driving to obtain his/her personal car would result in an extra and unnecessary expenditure of fuel.

Transporting family members in City vehicles shall be allowed only when the family member is accompanying a City employee to a business meeting or official function. City vehicles, excluding public safety vehicles in the performance of duty or emergency service, shall be legally and appropriately operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver not the City. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.

(B) Communications Services and Equipment: It is the policy of the City to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.

(1) Communications services and equipment include memorandum, letters, correspondence, files, mail, electronic mail ("e-mail"), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, telex systems, video equipment and tapes, tape recorders and recordings, two-way radios, pagers, cellular phones, voice mail, and bulletin board. Department Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used by the Department's employees for both internal and external communications.

(2) Employees using City communications services and equipment must disclose all passwords and codes to the City Manager, but should not share the passwords or codes with anyone else. This

provision shall not apply to equipment storing confidential or investigative material of a law enforcement nature. Use of City communications services and equipment by anyone other than City employees is prohibited.

(3) Employee's incidental personal use of communications services and equipment is allowed as long as the use does not interfere with the employee's work or City operations. It is the employee's responsibility to ensure that no cost to the City results from personal use of City communications services and equipment.

(4) Use of the City communication services and equipment to access, send or receive any material, or communication that are commercial, political, harassing, offensive, demeaning, insulting, defaming, intimidating, illegal, discriminatory, pornographic, obscene, sexually explicit, or sexually suggestive is prohibited. Use of any communications materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission from the owner of the material is prohibited. Use of the Internet to access, transmit or download files that are dangerous to the integrity of the network is prohibited.

(5) Employees acknowledge that they have no right to privacy with respect to all communications services and equipment, including the communications accessed, sent, received or stored by them, which are the sole property of the City. The City reserves the right, at its discretion, to monitor all forms of communications services and equipment, including the communications accessed, sent, received or stored by them, to the extent necessary to ensure that the communications services and equipment is being used in compliance with this policy and other local state or federal laws.

(6) All forms of communications shall be subject to the City's Record's Management Policy.

(C) Buildings, machinery, tools, equipment and supplies: City-owned buildings, machinery, tools, equipment and supplies shall be used for official City business and must be available for City business at all times. Use of City-owned buildings, machinery, tools, equipment and supplies by employees for personal use, or commercial, religious or private entities is prohibited. City-owned buildings, machinery, tools, equipment and supplies may be used by governmental agencies, non-profit, charitable or civic organizations with approval of the City Manager.

5.020: Behavior

Any action, which reflects discredit upon the service or is a direct hindrance to the effective performance of the City government functions, shall be grounds for disciplinary action, ranging from reprimand to immediate discharge. The following are declared to be good cause for disciplinary action against any employee of the City, though charges may be based upon causes and complaints other than those listed:

(A) Absence without reasonable cause.

(B) Reporting late for work.

(C) Leaving the job during work hours without permission.

(D) Creating or contributing to unsanitary conditions or litter.

(E) Possession of weapons on City premises other than law enforcement officers.

(F) Refusal to obey orders of supervisors.

(G) Refusal or failure to do job assignment.

(H) Threatening, intimidating, coercing or interfering with employees, supervisors or customers.

(I) Gambling on City premises or while on duty.

(J) Abusive language to employees, supervisors, customers or the public.

(K) Fighting while on duty.

(L) Insubordination.

(M) Incompetence to perform the duties of his position.

(N) Negligence in the care and handling of City property.

(O) Theft or misappropriation of property of the City or City employees.

(P) Possession of or drinking of, liquor or any alcoholic beverage while on duty or on City premises at any time.

(Q) Reporting to work showing evidence of drinking alcoholic beverage.

(R) Sabotage.

(S) Immoral conduct or indecency.

(T) Possession of, or use of a controlled substance on City premises or while on duty at any time except when possessed by the Police Department as evidence or for destruction or when possessed by any City employee as a prescription provided by a medical doctor or dentist with prior supervisory approval. Reporting for work under the influence of a controlled substance.

5.030: Fund Raising Activity/Office Donations

Participation in any solicitation drive by any City employee shall be entirely voluntary. No improper influence shall be utilized or any consideration given in any condition or employment for an employee by either participation or nonparticipation in contributions to charitable, educational or nonprofit organizations. No City employee shall engage in any fund-raising activities without prior approval of the Personnel Manager. In the Personnel Manager's review of requests to conduct fund-raising activities, the following criteria shall be considered:

(A) That the type, purpose and activity of the-organization for which funds are to be raised do not conflict with the interest of the City; and

(B) That the employee's position with the City would not influence donors or place the City in any unfavorable light.

(C) No City employee shall be engaged in fund-raising activities during their working hours, without prior approval of the City Manager.

5.040: Political Involvement

(A) City of Ogallala employees are encouraged to vote on Election Day for the person or party of their choice. Department managers/supervisors shall grant to the employees whose work schedules make it otherwise impossible to vote a reasonable amount of time off, at full pay, to vote during work hours.

(B) City of Ogallala employees should not perform or be involved in political campaigning or related activities during working hours, while in City uniform, or while using City vehicular equipment.

(C) Employees shall not be required to participate in political campaigns or related activities as a condition to obtain or retain employment. Additionally, employees shall not be disciplined, terminated, or deprived of their employment rights for refusal to participate in such activities. Employees who feel they have been disciplined, terminated, or deprived of their rights because of refusal to participate in such activities may utilize the grievance procedure.

5.050: Labor Activity

No employee of the City shall advocate, encourage or engage in any strike, slow-down or work stoppage against the City.

5.060: Outside Employment

(A) No full time employee shall engage in any other business or occupation or be employed in any capacity other than his or her position in the City service unless permission for such outside activity shall first be obtained in writing from the supervisor and approved by the Personnel Manager. Application for such outside activity shall be made in writing and a copy placed in the personnel file.

(B) The Personnel Manager shall withhold permission for outside employment or activity when the nature of said employment or activity conflicts with the interests of the City or when it affects the performance of the employee's duties.

5.070: Employee Name, Address, or Telephone Number Change

All changes in name, address, telephone number, number of eligible dependants (for federal withholding and insurance coverage purposes) should be promptly reported to their immediate supervisor or department head who, in turn, will report the information to the Personnel Department.

5.080: Sexual Harassment

(A) Policy: It shall be the policy of City of Ogallala to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the City becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment.

(B) Definition: Sexual harassment shall include, but not be limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

(1) Submission to such conduct is either an expressed or implied condition of employment.

(2) Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or

(3) The conduct has the purpose or effect of substantially interfering with an affected person’s work performance or creating an intimidating, hostile, or offensive work environment.

(C) Claims: All claims of sexual harassment shall be handled with discretion. No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment.

(D) Reporting: Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the Personnel Manager or a member of the City Council. The official or department head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim. Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions, which are to be taken.

(E) Other rights: Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to sexual harassment charges.

(F) Failure to Adhere to Policy: Failure to adhere to this policy will result in discipline, up to and including termination.

5.090: Drug Free Workplace

The City of Ogallala is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. To this end the City unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs. To ensure worker safety and workplace integrity, the City of Ogallala prohibits the illegal manufacture, possession, distribution or use of controlled substances in-the workplace by its employees or those who engage or seek to engage in business with the City except when possessed by the Police Department as evidence or for destruction or when possessed by any City employee as a prescription provided by a medical doctor or dentist with prior supervisory approval. In an effort to bring about a "Drug Free Nebraska" and to assure employees of a workplace free from illegal drugs and their effect, the City of Ogallala will implement the following Drug Free Workplace Policy:

(A) Scope: Applicable to all City employees.

(B) Policy: It is unlawful to illegally manufacture distribute, dispense, possess, or use a controlled substance in the workplace except when possessed by the Police Department as evidence or for destruction or when possessed by any City employee as a prescription provided by a medical doctor or dentist with prior supervisory approval. The City, therefore, establishes a drug free workplace policy for its employees.

(C) Procedures: All employees and each new hire will receive a copy of this policy. Each employee will receive a drug abuse awareness form, which will state it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the workplace. Each employee will sign and date his statement certifying that he/she understands and will abide by the drug free workplace policy and has knowledge of disciplinary actions, which may be imposed for violations of the drug free workplace policy. The signed and dated statement will be permanently maintained in the employee's personnel file.

(D) Establishing a drug free

awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The City's policy of maintaining a drug free workplace;

(3) Any available drug counseling, rehabilitation and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(E) If an employee violates the drug free workplace policy, disciplinary action may be imposed according to established rules and regulations of the City of Ogallala Personnel Manual.

(F) If an employee is convicted of violating any criminal drug statute while on the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the City may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

(G) An employee is required to report within five days any criminal drug statute conviction occurring in the workplace to his immediate supervisor. The supervisor will immediately report such conviction to the City Manager.

(H) If the City is a grantee of federal funds, the City shall notify the Federal granting agency within ten (10) days after receiving notice of an employee's drug statute conviction.

5.100: Drug and Alcohol Testing

(A) Categories of Drug and Alcohol Testing:

(1) Pre-employment

(a) Non-DOT Employees: All applicants will be required to pass a non-DOT drug test post offer of employment. The City reserves the right to require the applicant to pass an alcohol test post offer of employment.

(b) DOT/CDL Employees Subject to Requirements of the Federal Motor Carrier Safety Administration Regulations: All applicants for positions subject to requirements of the Federal Motor Carrier Safety Administration Regulations will be required to pass a DOT drug test post offer of employment. The City reserves the right to require the applicant to pass an alcohol test post offer of employment.

(2) Random Testing:

(a) Non-DOT Employees: Employees not subject to random testing.

(b) DOT/CDL Employees Subject to Requirements of the Federal Motor Carrier Safety Administration Regulations: All covered employees are subject to unannounced random testing. Fifty percent of all covered employees will be randomly tested for drugs annually. Twenty-five percent of all covered employees will be randomly tested for alcohol annually. When notification is received that an employee has had a confirmed positive alcohol or drug test, the employee's department will be notified, the employee will be suspended (with or without pay as leave is available), and will be subject to discipline, up to and including termination and immediately referred to counseling. An employee who fails to

appear for the appointment is subject to disciplinary action, including termination.

(3) Reasonable Suspicion: All City employees are subject to drug and/or alcohol testing if the employee's performance, behavior, or other observable characteristics suggest that the employee may be impaired due to drug and/or alcohol use. Both a drug and alcohol test will be conducted when a supervisor, trained in the detection of possible indicators of use, has reasonable suspicion (also referred to as "reasonable cause") to believe that the employee is impaired because of drug/alcohol use. An employee identified for reasonable suspicion testing will be suspended (with or without pay as paid leave is available), pending the results of the drug and/or alcohol test(s). If the result is negative, the employee will be reinstated and paid for all the time lost. If a reasonable suspicion test is confirmed positive, the employee's department will be notified, the employee will be suspended (with or without pay as paid leave is available), and will be subject to discipline, up to and including termination and immediately referred to counseling.

(4) Post-accident Testing: All City employees are subject to post-accident drug and alcohol testing. As soon as possible following an accident involving a City vehicle, the driver shall be tested for both alcohol and drugs if the accident meets the following criteria:

(a) an accident involving a fatality; or

(b) an accident in which someone is treated medically away from the scene *and* a citation is issued to the City driver; or

(c) an accident in which a vehicle is towed from the scene *and* a citation is issued to the City driver.

The driver will *not* be allowed to return to duty until confirmed *negative* test results are received. Drivers are prohibited from using alcohol for eight (8) hours following an accident or until they have undergone a post-accident alcohol test, whichever occurs first. Specific procedures to be followed after an accident are as follows:

1. Notify the Emergency Operations Center (EOC) at 284-2011.

2. Stay at the accident site until a Police Officer completes an accident report.

3. Notify the City Manager's Office at 284-6001. At this time, arrangements for a post-accident drug screen will be made if necessary. If a drug screen is required, the employee will be taken to and from the Ogallala Medical Group for the drug screen.

Above procedures must be kept in all City vehicles at all times. If a post-accident test is positive, the employee will be suspended (with or without pay as paid leave is available), and will be subject to discipline, up to and including termination and immediately referred to counseling.

(5) Return to Duty/Follow-up Testing: An employee who has tested positive must test negative from a test conducted by the designated counselor within 45 days from the first test. Subsequently, the employee will be returned to duty following clearance from the designated counselor. He/she will be subject to unannounced testing periodically thereafter. The employee must be tested six

times in the next 12 months following return to duty.

(B) Self-Identification: Employees may voluntarily self-identify that they may be impaired due to drug or alcohol abuse or dependency. Discipline will not be initiated because employees self-identify. Employees will be referred to the designated counselor for evaluation and testing; they will be subject to work/follow-up testing. Self-identification must be totally voluntary and is not allowed after an employee has been notified to report for a random, reasonable cause, or post-accident test.

(C) Prescribed or Over-the-Counter Medications: Employees must report their use of prescribed or over-the-counter medications to their supervisor and the Personnel Manager if the use might impair their ability to perform their job safely and effectively. A determination then will be made as to whether the employee should be able to perform the essential functions of the job safely and properly.

(D) Prohibited Conduct: No covered employee shall:

(1) refuse to submit to an alcohol or drug test;

(2) use, sell, purchase, or have in possession, alcohol or drugs causing impairment on City time (employees may posses and use legally obtained medication provided it does not impair the ability to safely operate a vehicle);

(3) have an alcohol concentration of 0.02 percent or greater on City time; or

(4) test positive for drugs as follows:

(a) Cannabinoids (Marijuana)

(b) Cocaine

(c) Opiates

(d) Phencyclidine

(e) Amphetamines

(E) Consequences of Prohibited Conduct: Employees who refuse to submit to testing will be considered to have tested positive and will be subject to disciplinary action including termination. Employees who attempt to interfere, alter, substitute, or in any way affect the outcome of the alcohol or drug testing procedure will be considered to have tested positive and will be subject to disciplinary action, including termination. Employees who fail to report immediately to the designated testing facility will be considered as having refused to submit to testing.

(F) Rehabilitation: Upon the confirmed determination that an employee uses illegal drugs or tests at 0.02 percent or above for alcohol, rehabilitation may be offered through referral by the designated counselor. If the employee is offered and accepts rehabilitation, the employee must successfully complete the rehabilitation and remain alcohol and drug free in order to keep the job. If an employee refuses to enter or successfully complete a rehabilitation program, the employee will be terminated. Employees involved in rehabilitation may be accommodated by their department by being placed in a non-CDL position if appropriate and available. If a non-CDL position is not available, employees will be placed on leave (paid or unpaid as available) until completion of the rehabilitation program.

After rehabilitation the employee shall:

(1) be evaluated by the designated counselor to determine that he or she has followed the rehabilitation program prescribed;

(2) undergo a return-to-work test, coordinated by the designated counselor; and

(3) be subject to unannounced follow-up drug and alcohol testing.

(G) Request to retest: An employee may submit one written request for re-testing of a specimen producing a positive test result, either by the original or another certified laboratory. Such requests must be made no later than seventy-two (72) hours after receipt of a confirmed positive test result. The employee shall pay the cost of the additional test and all handling and shipping costs.

(H) Training Requirements: Each department must provide training for each covered employee and for supervisors of covered employees. Supervisors who will make determinations on reasonable cause testing must receive a minimum of 60 minutes each of training in the physical, behavioral, and performance indicators of probable drug misuse and alcohol misuse. Training for new supervisory personnel who will have the authority to make reasonable cause determinations is also required. Each covered employee and supervisor must sign a form to verify that they have received training.

(I) Confidentiality: All records of the drug and alcohol-testing program are strictly confidential, and access to records will be strictly controlled. Department and Personnel records will be kept in a secure location and will not be part of the individual's personnel file.

5.110: Comprehensive Health and Safety

(A) The Personnel Manager shall make every effort to promote among employees and in the departments maximum standards of safety and good health.

(B) The Personnel Manager may make investigations of working conditions and recommend to the supervisors concerned suggestions for the correction of harmful conditions which are believed to be preventable or which are not in compliance with established rules, regulations and requirements. In making investigations and reports on such matters, the Personnel Manager shall cooperate with and use the services of State and City agencies concerned with industrial health and safety.

(C) The City of Ogallala will reimburse the cost of one pair steel-toed footwear for all permanent employees, up to but not to exceed one hundred dollars ($100.00) annually with supervisor approval.

(D) For further reference see City of Ogallala Safety Manual.

5.120: Smoke Free Workplace

(A) Purpose: Reliable scientific studies, including studies by the Surgeon General of the United States have shown that breathing second hand smoke is a significant hazard to non-smokers. Health hazards induced by exposure to environmental tobacco smoke include lung and other forms of cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronco-constriction and bronco-spasm, and the most common cause of premature death from environmental tobacco smoke is heart disease. In response to the increasing

evidence that tobacco smoke results in serious and significant physical discomfort and creates a danger to the health of persons who are present in a smoke filled environment and to establish City policy to regulate the use of smoking materials by the City employees while on duty, every attempt will be made to obtain to the greatest extent possible, freedom for the nonsmoker from the harmful effects of smoking materials.

(B) Definition: “Smoke” or “smoking” as used in this policy shall mean and include inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette or other combustible tobacco product in any manner or in any form.

(C) Policy: Smoking is prohibited in all buildings and vehicles owned, leased, used or otherwise occupied for municipal purposes in the City of Ogallala. Smoking is also prohibited in all work areas where nonsmokers and/or sensitive equipment may be subject to the effects of smoke. Signs prohibiting smoking shall be conspicuously posted in every facility and major work area where smoking is prohibited. Smoke breaks are to be confined to the affected employees lunch period or rest break.

(D) Procedure: It shall be the responsibility of each employee to abide by the rules and regulations contained in this policy. And it shall be the responsibility of the affected Department Head to see that the policy is applied and adhered to by all employees.

(E) Violation: If an employee violates the Smoke Free Work Place Policy, disciplinary action may be imposed according to established rules and regulations of the City of Ogallala Personnel Manual.

CHAPTER 6.000 EMPLOYEE BENEFITS

6.010: Group Life Insurance

(A) The City participates in a Group Life Insurance Plan covering a selected contractual amount of life insurance for all regular, full time employees and shall pay 100% of the cost of the plan pertaining to employees who receive monetary compensation.

(B) Life insurance, without proof of insurability, is available to City regular, full time employees after thirty (30) days and before sixty (60) days of active employment and thereafter proof of insurability may be required.

(C) Active volunteers in service to the City of Ogallala will receive this benefit without any contribution to the payment of premium and may apply for such coverage immediately.

(D) Each City employee upon being enrolled in the Group Insurance Plan will be furnished information and other insurance material, which describes in detail the Group Insurance Plan.

(E) All questions, which an employee has regarding the Group Insurance Plan, should be directed to his/her immediate supervisor or the Personnel Manager.

(F) Temporary employees are not eligible to participate in the City's Group Life Insurance Plan.

(G) Regular, part time employees are not eligible to participate in the City's Group Life Insurance Plan.

6.020: Health Insurance

(A) The City shall provide partially self-funded group health care insurance coverage for usual and customary medical benefits, for all regular, full time employees and shall pay a percentage of the insurance cost.

(B) Under the provision of the health insurance plan, all regular, full time employees shall pay a partial amount of said benefit per month per single employee and a partial amount per month per employee with dependent(s).

(C) The City shall be responsible for all other costs associated with health insurance plan, except that the City shall not be responsible for associated costs for the month of termination by an employee if the employee terminates prior to the 15th day of the month.

(D) The health insurance coverage provided shall commence on the first day of the month following employment, provided the employee has completed and submitted the insurance application forms required by the carrier.

(E) The City shall not pay any premium for health insurance for any employee who, within any calendar month, has not received any compensation from the City for work performed or utilization of paid leave.

(F) Payments made pursuant to the provisions of the state workmen's compensation act, payment at termination of accrued vacation leave, any payment at termination of earned compensatory time shall not be considered compensation for work performed or utilization of paid leave within the meaning of this section.

(G) Injured on duty payments shall be considered compensation within the meaning of this section.

(H) If an employee for whom the City is not paying an insurance premium by virtue of the provisions of this division desires to continue such coverage, the employee shall be responsible to make the necessary arrangements with the insurance carrier for coverage in accordance with the terms and conditions prescribed by the carrier at the employee's cost.

(I) Temporary employees are not eligible to participate in the City's Health Insurance Plan.

(J) Regular, part time employees are not eligible to participate in the City's Health Insurance Plan.

6.030: Retirement Plan, Generally

The City shall provide retirement benefits for all regular, full time employees. Each regular, full time employee upon being enrolled in the Retirement Plan will be furnished information, which describes in detail the Retirement Plan.

6.031: Retirement Plan, Non-Uniformed Personnel

The City shall provide retirement benefits for all non-uniform regular, full time employees. Each non-uniform regular, full time employee upon being enrolled in the Retirement Plan will be furnished information, which describes in detail the Retirement Plan.

6.032: Retirement Plan, Fire Department Personnel

The City shall provide retirement benefits for all regular, full time employees of the Fire Department as provided by Nebraska State Statute. Each regular, full time Fire Department employee upon being enrolled in the Retirement Plan will be furnished information, which describes in detail the Retirement Plan.

6.033: Retirement Plan, Police Department Personnel

The City shall provide retirement benefits for all regular, full time employees of the Police Department as provided by Nebraska State Statute. Each regular, full time Police Department employee upon being enrolled in the Retirement Plan will be furnished information, which describes in detail the Retirement Plan.

CHAPTER 7.000 EMPLOYEE GRIEVANCE SYSTEM

7.010: Purpose

The purpose of the grievance system is to settle any grievance between the City and an employee as quickly as possible to assure efficient work operations and maintain employee moral.

7.020: Eligibility

Any City employee who believes he has a legitimate complaint may utilize the grievance system.

7.030: Scope of Grievance System

A grievance may be filed by an employee on one or more of the following grounds:

(A) Improper application of rules, regulations, and procedures;

(B) Unfair treatment, including coercion, restrain, or reprisal;

(C) Illegal discrimination;

(D) Disciplinary action taken without proper cause;

(E) Improper application of fringe benefits;

(F) Improper working conditions;

(G) Improper dismissal.

7.040: Grievance Resolution Procedures

(A) An employee who feels aggrieved shall first discuss his grievance with his/her Department Head/Supervisor. The employee's request to his/her Department Head/Supervisor to discuss a grievance shall be made within ten (10) working days from occurrence, and may be an oral request.

(B) If the Department Head/Supervisor cannot resolve the employee's grievance, the employee may request the Department Head/Supervisor to obtain an opinion from the Personnel Department. This request shall be in writing, and shall be submitted to the supervisor within five (5) working days after the first grievance discussion with the supervisor.

(C) If the opinion of the Personnel Department does not resolve the employee's grievance the employee may request that his grievance be resolved by the City Council. This request must be in writing and must be submitted to the Department Head/Supervisor within five days after the employee has received the opinion of the Personnel Department.

(D) The Department Head/Supervisor shall promptly submit the grievance addressed to the City Council for their consideration and final decision.

(E) The City Council has the sole discretionary authority to interpret the policies of the City and render decisions based on the individual merits of each particular situation, so long as they are within their rights under the constitution and laws of the State of Nebraska and the United States of America.

(F) If an employee fails to follow the grievance procedure as set forth above he shall have waived his rights to use the grievance system.

CHAPTER 8.000 TRAVEL EXPENSES

8.010: Eligibility

City of Ogallala employees and officials who are required to travel in the performance of City business shall be reimbursed as provided for these policies.

(A) Employees who are required to travel, that is not usual and customary, in the performance of City business or duties shall receive authorization, prior to travel arrangements, from the department supervisor or City Manager.

8.020: Transportation

(A) Employees and officials who are required to travel in the performance of City business shall be assigned a City vehicle for that use. When more than one employee is traveling to the same destination, all attempts should be made to travel in the same vehicle to reduce cost. Only when a City vehicle is unavailable may an employee use a private motor vehicle for transportation, with approval of the City Manager. An employee using a private motor vehicle for transportation shall be reimbursed at the standard mileage rate established by the State Dept. of Administrative Services.

(B) When using air travel or other forms of public transportation, reimbursement shall not exceed the amount computed by multiplying the round-trip map mileage by the rate per mile allowed for private motor vehicles. The round-trip mileage shall be computed from the City of Ogallala origin to the destination, using the shortest highway mileage between the two points as shown on the official highway travel map of the State Department of Highways and Public Transportation. When a public form of transportation is used, ticket receipts must accompany the expense report.

(C) When two or more employees travel in the same vehicle, only one may claim mileage reimbursement. However, this provision shall not preclude any passenger from receiving reimbursement for travel expenses incurred.

(D) When two or more employees of the same department are traveling to the same destination to attend the same function, the department head will determine the most practical and economical method of transportation and who will be reimbursed for travel expenses.

(E) Air travel or any other forms of public transportation may be eligible for reimbursement of the total cost when it is to the City's benefit, even though costing more than private motor vehicle. To become eligible application must first and beforehand be made to the employee’s immediate supervisor and approved by the Personnel Manager.

(F) Request for reimbursement of transportation expenses shall be made on the form, which may be required by the City. The form shall be completed in accordance with the instructions and requirements of the City to be eligible for approval.

(G) Reimbursement for travel and associated expenses shall not exceed the amount provided for in the City's budget, unless approved first by the City Manager. Any department that anticipates a justified reason to exceed its transportation budget may request approval of the City Council to exceed the budget amount.

8.030: Meals

Employees or officials traveling outside the City may be allowed to use a city credit card for, or be reimbursed for meals according to the following conditions:

(A) No meals will be charged or reimbursed for trainings that last one day or less.

(B) Meals may be charged or reimbursed for trade or professional association meetings where the meal expense is directly related to and necessary for attending said meeting.

(C) Claims for meals to be verified by itemized receipts. Any receipt that is not itemized will not be honored or reimbursed. It will be the responsibility of the employee to pay for the charge.

(D) No tips on meals are to exceed 15%.

(E) No Alcoholic beverages on meals are to be included.

8.040: Non-Allowable Expenses

(A) Laundry, cleaning, or valet services (except of trips of over one week duration).

(B) Tobacco.

(C) Alcoholic beverages.

(D) Entertainment.

(E) Personal telephone calls to home (limited to one fifteen (15) minute call per day).

(F) First class travel accommodations when economy or coach class are available.

(G) Meals and lodging in lieu of other meals and/or lodging the expense of which is included in the Registration fee.

(H) Fines, forfeitures or penalties.

(I) Rental vehicles except as pre-approved by the City Manager.

(J) Expenses of a spouse or other non-employee.

(K) Loss or damage to personal property.

(L) Barber, beauty parlor, shoeshine or toiletries.

(M) Personal postage.

CHAPTER 9.000 EMERGENCY MANAGEMENT PLAN

9.010: Emergency Conditions – Office/Facilities Open

The purpose of this section is to establish a policy for reporting to work in the event of emergency conditions. City offices and other facilities shall remain open and in operation during established working hours. All employees should make every attempt to report to work on a timely basis. If employees are unable to report to work the following criteria shall apply:

(A) The employee is responsible for contacting his supervisor or department head by telephone to indicate anticipated absence from work or late arrival to work and the reason.

(B) If an employee is unable to report to work, the absence may be charged as vacation or comp time. If none of these are available to the employee, then the absence must be taken as time off without pay.

9.020: Emergency Conditions – Office/Facilities Closed

The purpose of this section is to establish a policy for closing offices or facilities of the City in the event of emergency conditions, which could endanger the public or employees.

(A) The City Manager or designee shall make an official announcement concerning the closing of the City offices.

(B) Any time not worked by an employee because of an official closing by any of those authorized above will be considered as time off without pay. If any employee chooses, personal leave, vacation time, or comp time may be used to the extent available so that employee's paycheck is not short. Part-time hourly paid employees may have their hours re-scheduled by their supervisor.

(C) Due to the nature and timing of some office duties, some employees may be required to work or remain on an "on-call" basis by their supervisor or department head even though the offices or facilities have been officially closed. Those employees will be paid for the actual time worked as on a regular basis.

(D) In order to facilitate the correct and consistent implementation of this policy, it is essential that each employee and department head complete the time sheets based on the actual time worked for each employee.

CHAPTER 10.000 EMPLOYEE TRAINING AND DEVELOPMENT

10.010: Employee Training and Development

The Personnel Manager shall encourage training opportunities for employees and supervisors to the end that services rendered to the City may be made more effective and that employees may become at the same time qualified for promotion to higher level positions. If requested by a supervisor, the Personnel Manager shall assist such supervisor on any training problem relating to the development of formal or informal training programs for employees.

(A) The City encourages employees to further their knowledge of skills with job related courses. The City will pay for fees and tuition on the following conditions:

(1) All Expenses including but not limited to tuition, wages, health insurance, life insurance, travel, physical, uniform/equipment and meals incurred by the City in the training and development of an employee will be considered as a loan from the City;

(2) After successful completion of the program, if employee voluntarily terminates before twelve (12) months, employee must reimburse the City for the entire loan. If employee voluntarily terminates after twelve (12) months but less than twenty-four (24) months from successful completion of the course, reimbursement to the City will be 66%. If employee voluntarily terminates after twenty-four (24) months but less than thirty-six (36) months from successful completion of the course, reimbursement to the City will be 33%. If employee voluntarily terminates after thirty-six (36) months, the debt will be considered paid in full; Repayment of all Employee Training and Development pursuant to Employee Educational/Training Agreements shall be at the discretion of the personnel manager.

(3) After receiving the grade for course work approved, employee shall submit a copy of the transcript to the City clerk's office;

(B) To apply for this benefit, an employee shall fill out an Employee Educational/Training Agreement, attached as Appendix K and file with their immediate supervisor. These applications will be considered on an individual basis and shall have approval of the Personnel Manager.

CHAPTER 11.000 MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS

11.010: Club and Civic Organization Membership

(A) The City of Ogallala encourages employees to participate in the activities of community clubs and civic organizations.

(1) Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the City of Ogallala's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the City of Ogallala's interests.

(2) The City Manager may identify certain community organizations in which the City wants to be represented and then designate the employees that it will sponsor for membership in them.

(3) Employees who are designated for membership act as City of Ogallala representatives in the organization and are expected to promote its interests.

(4) Employee participation in club and civic organization meetings may be considered as hours worked for pay purposes at the discretion of the City Manager.

(5) The City Manager will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:

(a) The nature and purpose of the club or organization;

(b) The potential benefit to the City of Ogallala, including the enhancement of the employee's leadership and organizational skills;

(c) The cost to the City of Ogallala;

(d) The extent to which the City of Ogallala is already represented in the club or organization; and

(e) The employee's job responsibilities, length of service, and overall qualifications for membership.

(6) The City Manager will review periodically its representation in community organizations and its sponsorship of employees for membership and will make changes as appropriate.

(7) Employees whose membership is sponsored by the City of Ogallala are encouraged to use the clubs or civic organizations for business purposes.

(8) Employees who are sponsored for membership in community clubs and civic organizations are eligible for payment of, reimbursement for, dues only. No meals will be paid for or reimbursed.

(9) Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

DEFINITIONS

Allocation: The assignment of a position to a class on the basis of the kind, difficulty, and responsibility of work of the position.

Appointing authority: The City Manager for all officers and employees.

City Council: The elected governing body of the City of Ogallala.

City Manager: The chief executive officer for the City of Ogallala.

Class: A position or group of positions that involve similar duties and responsibilities, require similar qualifications, and designated by a single title indicative of the kind of work.

Classified Employee: An employee of City of Ogallala whose job is classified under the City's classification and pay plan.

Class specification: The written description of a class including the title, statement of the duties and responsibilities, and the minimum requirements of education and experience appropriate upon entrance for satisfactory performance in the position of the class.

Compensatory Time: Authorized leave given to an employee as compensation for overtime worked.

Demotion: The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

Effective Date of Employment: The official start date as approved by the department head and/or City Council.

Effective Date of Termination: The final day the employee works for the City.

Employment list: A list of persons arranged in descending order of their ratings on examinations for classes of positions for which they have competed in open-competitive, closed-competitive or open-continuous examinations and to which they are qualified for appointment. Persons on a list for all classes of positions shall have met the minimum pass/fail point on those qualifying examinations where such a point is required.

Fair Labor Standards Act (FLSA): The federal regulations governing employment and employees rights.

Family: An employee's spouse, father, mother, brother, sister, son, daughter, and grandchildren, uncle, aunt, nephew, niece, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, first cousin, grandparents, and step family members.

Full-time Employee (FTE): An employee who has a regularly assigned work schedule of forty (40) hours or more per week, less authorized leave with pay.

Grievance: A misunderstanding or disagreement between an employee and the City, as employer, arising out of a belief on the part of the employee that he is being treated unfairly in regard to the terms or conditions of his employment.

Immediate family: An employee's spouse, father, mother, brother, sister, son, daughter, grandparents and grandchildren, step mother, step father, step children, step brother, step sister, step grandparents and step grandchildren.

Lateral Transfer: The job classification change or interdepartmental change of an employee that does not affect the employee's salary range.

Lay-off: The separation of an

employee from service which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

Overtime: All hours worked in excess of an employee's regularly assigned work schedule as required by the department head.

Part-time Employee: An employee who has a regularly assigned work schedule of less than forty (40) hours per week.

Performance evaluation: A measure of the applicant's skill in performing a specified type of work by evaluating the actual performance of such work.

Personnel Manager: The City Manager's office shall serve as Personnel Manager (Section 1.030).

Position: A group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one employee.

Six month evaluation period: A six (6) month working test period during which an employee, newly appointed from a list, is required to demonstrate his fitness for a position to which he is appointed by actual performance of the duties of the position.

Promotion: The movement of an employee from a position of one class to a position of another class having a higher maximum salary rate.

Promotion list: A list of persons arranged in descending order of their final ratings on examinations for classes of positions for which they have competed in promotional examinations and to which they are qualified for appointment.

Promotional examination: An examination for positions in a particular class, admission to which is limited to employees who meet the qualifications set forth in the announcement of the examination.

Provisional employment: Nonpermanent employment.

Reclassification: A change in salary range resulting either from a change in job content and/or job specifications of an existing position, or from re-evaluating the assignment of a position to a particular salary range when compared to other City positions and/or prevailing area wage rates, or a change in job titles.

Reduction-in-Force: A decrease in the number of employees authorized for a department resulting from a discontinuance of service, organizational changes, or changes in funding authorizations.

Regular employee: An employee who has been appointed to a position in accordance with these rules after successful completion of a six month evaluation period.

Reinstatement: The employment of a former employee as provided in these policies.

Reprimand: A formal written notice to an employee informing him of a specific manner in which his conduct or work performance does not meet prescribed standards.

Seasonal employment: Employment of a seasonal nature, the duration of which does not exceed nine (9) calendar months.

Supervisor: The person(s) responsible for the day-to-day management and operation of a specific Department of the City. May also be referred to as Department Head, Department Superintendent or Department Manager.

Termination of Employment: The discontinuance of an employee's service with the City as a result of resignation, dismissal, reduction-in-force, retirement, or death.

Transfer: The movement of an employee from one position to another position of the same class or of another class having the same maximum salary rate, involving the performance of similar duties, and requiring essentially the same basic qualifications.

Uniformed personnel: Civil Service employees holding ranks in the police and fire department.

Vacancy: A duly created position which is not occupied and for which funds have been provided.

CITY OF OGALLALA
SALARY PLAN
Effective Date: 10/1/1999

SALARY COMPETITIVENESS POLICY

The City of Ogallala adopted a permanent policy to place its salary competitiveness at 100% of the prevailing rate. "At" the prevailing rate is +/- 5% of the mean for the survey jobs matching the City's benchmark job classes. The resolution adopted by the City of Ogallala reads:

RESOLUTION TO ESTABLISH A COMPETITIVE PAY PLAN

WHEREAS, the Mayor and Council of the City of Ogallala strive to provide to its citizens services essential to the well-being of the community; and,

WHEREAS, in order for the City of Ogallala to said services it is necessary to attract and retain the highest possible quality of personnel; and,

WHEREAS, to attract and retain quality personnel it is necessary to establish a pay plan competitive with the pay plans of governmental entities that compete with the City of Ogallala for employees.

THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Ogallala, that, subject to budgetary limitations, it shall be the policy of the City of Ogallala to pay its employees at the prevailing rates paid for similar occupations/job positions by designated Nebraska public employers with whom the City competes for high quality staff, based on the unweighted mean rates of the competing employers. The City's pay plan shall become effective October 1, 1999.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 1999.

PERMANENT SALARY RANGE TABLE

The permanent Salary Range Table provides equal in-range salary opportunity of 35% from minimum to maximum. The salary ranges are separated by a uniform 2 ½ %, permitting job classes to be precisely linked to the external prevailing rates, the City's Salary Competitiveness Policy and internal job relationships, through their midpoints. Additional salary ranges may be added as needed.

ANNUAL SALARY RANGE ADJUSTMENTS

Job classes are individually reassigned to different salary ranges on an annual basis to reflect the varying movement in the external prevailing rate (if any) for

each job class. Sources of external data used to adjust salary ranges shall include, but not be limited to, Nebraska first class municipalities from 5,000 to 15,000 population.

PAY-FOR-PERFORMANCE PHILOSOPHY

The City's salary plan is designed to be personally motivating to employees by providing increasing pay commensurate with outstanding on-the-job performance. By establishing a salary spread of 35% around the midpoint of each class salary range, ample opportunity is provided to distinguish between various levels of achievement within the base salary range. The objective of the salary range approach is to identify the City's best performers and place them higher within their respective salary range than incumbents performing at lower levels.

MERIT INCREASE

The factors that control the maximum amount of salary advancement opportunity include:

- Incumbent's level of achievement
- Incumbents current compa-ratio*
- Time since incumbent's last merit increase
- Fiscal policies/merit budget
- Annual merit increase factor guidelines

*Compa-ratio (comparative ratio) is the % relationship of the incumbent's salary amount to the midpoint of the position's salary range.

The Annual Merit Increase Guide is prepared at the same time the annual salary range adjustments are made. Both are completed prior to preparation of the annual budget and become effective at the beginning of each fiscal year (October 1).

CITY OF OGALLALA
MERIT INCREASE GUIDE
Effective Date: 10/1/01

DETERMINING AMOUNT OF EMPLOYEE MERIT INCREASE:

Upon the completion of the scoring of the employees *Performance Factor* and determining a total score, use the *Merit Increase Table* to index the *Employee Performance Evaluation Score* to the *Comparability Ratio.* The result is the employees *Merit Increase Eligibility*.

Employee Evaluation Score should be rounded to the nearest .25 increment.

Comparability Ratio should be rounded to the nearest .50 increment.

No increase to exceed maximum of salary range.

Comparability Ratio is the percentage relationship of an incumbent's salary amount to the midpoint of the salary range for their position's job class.

Numerical and Descriptive Levels of Achievement.

5. Distinguished: Significantly exceeds position's achievement factors; achievement which substantially exceeds performance of others at similar levels.

4. Commendable: Exceeds position's achievement factors; achievement which exceeds that of most others at similar position levels.

3. Competent: Meets positions achievement factors; achievement which is expected from experienced and qualified individuals.

2. Adequate: With few exceptions, meets position's achievement factors; however, some improvement is desirable.

1. Marginal: Does not meet position's achievement factors. Clearly below acceptable.

Overall Level of Achievement	
Distinguished	4.50 – 5.00
Commendable	3.50 – 4.49
Competent	2.50 – 3.49
Adequate	1.50 – 2.49
Marginal	1.00 – 1.49

CITY OF OGALLALA

OATH

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of government of the United States or of this State by force or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God.

_____

Dated this _____day of _____, _____.

EMPLOYEE EDUCATIONAL/TRAINING AGREEMENT

THIS AGREEMENT is made and entered into by and between CITY OF OGALLALA, KEITH COUNTY, NEBRASKA, a Nebraska municipal corporation ("City") and _____ ("Employee") for purposes of providing the Employee with the professional training and/or education ("Training") as set forth in Addendum "A," which is attached hereto and incorporated herein by this reference.

IN CONSIDERATION of the agreements between City and Employee, the parties agree as follows:

1. Training. In order to be (description of certification, license, credential, etc) as a (description of position) in the State of Nebraska, the Employee recognizes that he/she is required to attend the (name/type of training), and to pass the required courses. Employee also recognizes that the City desires to participate in providing the Training to said Employee in the form of employment of the Employee for the duration of said training. Therefore, the City hereby agrees to provide Employee with the opportunity to participate in the Training on the terms and conditions set forth in this Agreement.

2. Costs Associated with the Training. The City agrees to consider only those expenses and costs associated with the Training as specifically set forth in Addendum "A."

3. Training Compensation. Employee acknowledges that Employee's participation in the Training is entirely voluntary on the part of the Employee in order to become a (description of position). Employee also acknowledges that during the training period, the Employee attends classes, and does not perform any productive work for the City. The City and the Employee also acknowledge that the Training will allow Employee to gain or continue employment with the City; and any municipality within the State of Nebraska as a (description of position).

Therefore, the City agrees to pay Employee for hours worked during the time spent in training, and any or all costs incurred by the Employee as provided for in the City Personnel Policy. The City also acknowledges that during the course of the Training the Employee may be required to participate in training activities beyond the normally assigned 40 (Forty) hour workweek. Because these additional costs can not be determined or estimated prior to training, the City and the Employee agrees these additional hours worked beyond the normally assigned 40 (Forty) hour workweek will not be considered as Training Compensation and that all Training Compensation shall be considered as part of the Training expenses and costs as set forth in Addendum "A".

4. Ownership of Property Employee acknowledges and agrees that the City is paying for the Training and that all materials, documents, books, outlines, diskettes, cassettes, and equipment provided or obtained as part of the Training shall remain the property ("Property") of City. Employee agrees that Employee will return all Property to the Employer immediately upon the termination of Employee's employment with the City for any reason whatsoever.

5. <u>Liquidated Damages</u> Employee also acknowledges and agrees that the City will incur <u>Liquidated Damages</u> in the event Employee's employment is voluntarily terminated prior to thirty-six (36) months following Employee's completion of Training, or the withdrawal from or other conclusion of the Training, prior to completion. Damages are considered by both parties to accrue due to: (a) the cost of the Training provided by the City, (b) the cost of replacing the Employee, (c) the Employer's lost opportunity costs in the use of a trained personnel, (d) or the Employee's use of training provided by the City for an entity other than the City. All Expenses including but not limited to tuition, wages, health insurance, life insurance, travel, physical, uniform/equipment and meals incurred by the City in the training and development of an employee will be considered as a loan from the City;

The parties acknowledge and agree that the actual damages suffered as a result of Employee's termination of Employee's employment for any reason whatsoever are difficult to ascertain because of their indefiniteness or uncertainty. Consequently, Employee agrees as follows:

(a) In the event Employee fails to complete the Training, is expelled or removed from the Training, or Employee's employment with the City is voluntarily terminated during the course of the Training, Employee agrees to reimburse City on a pro-rata weekly cost as outlined on Addendum "A" for time spent during the training.

(b) In the event the Employee's employment with the City is voluntarily terminated within twelve (12) months of Employee's completion of the Training, Employee agrees to reimburse City for one-hundred percent (100%) of the Training expenses and costs set forth in Addendum "A"; and

(c) In the event Employee's employment with the City is voluntarily terminated after twelve (12) months, but prior to twenty-four (24) months after Employee's completion of the Training, Employee agrees to reimburse City for sixty-six percent (66%) of the Training expenses and costs set forth in Addendum "A"; and

(d) In the event Employee's employment with the City is voluntarily terminated after twenty-four (24) months , but prior to thirty-six (36) months after Employee's completion of the Training, Employee agrees to reimburse City for thirty-three percent (33%) of the Training expenses and costs set forth in Addendum "A."

These methods of calculating the liquidated damages constitutes Employee's and the City's best effort to reasonably estimate the damages caused as a result of the termination of Employee's employment for any reason whatsoever; and that the Employee and the City agree to the amount and method of calculating liquidated damages as provided for in this agreement and as provided for in Attachment A.

6. <u>Recovery of Money Owed by Employee</u>. Employee acknowledges and agrees that the City may withhold any and all money owed to the City under this Agreement from Employee's wages or other sums owed to Employee by the City. The Employee must pay any money due and owed to the City above and beyond that withheld from Employee's wages to the City within thirty (30) days after the

termination of Employee's employment with the City for any reason whatsoever. Any unpaid balances shall be subject to interest at a rate of one-and-one-third percent (11/3%) per month. The City shall be entitled to and Employee shall pay to City all costs and expenses, including attorneys' fees, incurred in recovering any monies owed by Employee to the City under this Agreement.

7. Miscellaneous.

(a) Waiver of Breach. The waiver by the City of a breach of any provision of this Agreement by Employee shall not operate or be construed as a waiver of any subsequent breach by Employee.

(b) At-Will Employment. Nothing herein shall alter Employee's at-will employment with the City.

(c) Writing Requirement. No waiver or modification of this Agreement or any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

(d) Invalid Provisions. The invalidity or unenforceability of any particular provisions of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

(e) Governing Law. This Agreement shall be interpreted and governed in accordance with the laws of the State of Nebraska.

(f) Entire Agreement. This Agreement, when in conflict with the generally applicable personnel policies of City, shall take precedence over those policies. The parties hereto have made no agreements, representations, or warranties relating to the subject matter of this Agreement, which are not set forth herein.

By my signature below, Employee acknowledges that I have thoroughly read and agree with this Agreement. Employee also understands that Employee has the right to have this Agreement reviewed by an attorney of Employees' choice prior to the signing of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year written below.

DATED this _____ day of _____, _____.

CITY OF OGALLALA, KEITH CO., NEB. EMPLOYEE

By: _____ By: _____
, City Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF KEITH)

The foregoing instrument was acknowledged before me on this ___ day of _____ _____, _____, by _____, City Manager of the City of Ogallala.

_____
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF KEITH)

The foregoing instrument was acknowledged before me on this ___ day of _____ _____, _____, by _____, Employee of the City of Ogallala.

_____
Notary Public

Name:

Addendum "A"

Date:

Weeks of Training

									Total
Tuition	$ 0	Per	X			X		Weeks	$ 0
Wages	$ 0	Per hour	X	0	Hours	X		Weeks	$ 0
Health Insurance	$ 0	Per week	X			X		Weeks	$ 0
Life Insurance	$ 0	Per week	X			X		Weeks	$ 0
Travel	$ 0	Per mile	X	0	Miles	X		Weeks	$ 0
Physical	$ 0	Per	X						$ 0
Uniform/Equipment	$ 0	Per	X						$ 0
Meals	$ 0	Per week	X			X		Weeks	$ 0
								Total	$ 0

Timeline

Per Section 5 (a): Training Start Date:
Training End Date:

* Note: Per 5(a): Costs will be pro-rated on a weekly basis based on weeks of completion

Per Section 5 (b): 12 Months Following Training:
Reimbursement at: 100% $ 0

Per Section 5 (c): 12 Months Following Training:
24 Months Following Training:
Reimbursement at: 66% $ 0

Per Section 5 (d): 24 Months Following Training:
36 Months Following Training:
Reimbursement at: 33% $ 0

I do hereby agree that the costs above shall be the costs figured for reimbursement under the above mentioned sections.