

CERTIFICATE OF RECEIPT
City of Johnston
Employee Handbook – Revised September 2017

I acknowledge that a copy of the Revised City of Johnston Employee Handbook has been made available to me.

Employee Signature

Date

Printed Name

**PLEASE RETURN SIGNED RECEIPT TO THE
ADMINISTRATION DEPARTMENT at CITY HALL**

CITY OF JOHNSTON EMPLOYEE HANDBOOK

Approved by Johnston City Council - May 19, 2008

Revised June, 2008 – Smokefree Air Act

Revised February, 2009 – FMLA Amendments

Revised December, 2009 – Holiday Schedule (Johnston Public
Library and Fire Department)

Revised June, 2010 – PTO Accrual Schedules and Recognized
Holidays

Revised July, 2014

Revised December 2015 – New Year's Day Payday and Exempt
PTO usage

Revised June 2016 – Tuition Reimbursement, Clarification on
Police Sergeants, Fire Lieutenants. Addition of HSA.

Revised September 2017 – 9 hour work days for Police Sergeants,
updated Work Comp Medical Clinic.



SECTION I GENERAL POLICIES

The rules, regulations, and procedures outlined in this handbook apply to all employees of the City of Johnston, Iowa unless expressly modified in a collective bargaining unit agreement approved by the Johnston City Council. These rules, regulations, and procedures are not meant, nor shall be construed, to alter the at-will employment relationship between the City of Johnston and its present or future employees. Your employment with the City of Johnston is at-will, meaning either you or the City of Johnston may terminate this relationship at any time, for any reason, with or without notice.

In addition to this personnel handbook, employees of the Johnston Police Department, Johnston Fire Department, and Johnston Public Library are also governed by departmental rules and regulations which have been approved by the City Council or the Johnston Library Board.

This handbook is provided for informational purposes only. The City may revise the policies, procedures, benefits, and plans described in the handbook at any time without prior notice. On an as-needed basis, the City reviews its policies and employee benefits, and the City retains the exclusive right to change, add to, eliminate, or modify any of the policies in the handbook or any employee benefits at any time at its discretion, with or without notice.

This handbook does not address all circumstances and situations which may arise. This handbook does not contain all of the policies of the City but is designed to give guidance to many essential personnel policies of the City. When changes are made, employees will receive a supplement or a new handbook.

Workplace Safety Policy

It is the responsibility of every department to ensure a safe working environment is provided to all of its employees. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state or local law.

Employees are required, as a condition of employment, to exercise due care in the course of their work to prevent injuries and illnesses to themselves and to their fellow workers. Employees have a responsibility to report any unsafe working conditions or practices to a supervisor.

Employees violating recognized rules, procedures or standards, or acting in such a manner as to endanger their own or another's personal safety shall be subject to disciplinary action which may include an oral or written warning, suspension or termination.

Harassment Policy

The City of Johnston is committed to providing a work environment that is free of harassment. In keeping with this commitment, the City maintains a strict policy prohibiting harassment, including sexual harassment. This policy prohibits harassment in any form, including sexual, verbal, physical and visual harassment. Acts of harassment by any employee of the City are prohibited employment practices and are subject to disciplinary action including termination. This is a zero-tolerance policy meaning the City disciplines or terminates every employee found to have violated this policy.

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature directed

at an employee by an employer or fellow employee. Such conduct is unlawful if submission to it is a condition of employment, used as a basis for making employment decisions affecting the employee, has the effect of unreasonably interfering with the employee's work performance, or creates an intimidating, hostile or abusive work environment.

The following is a partial list of conduct that would be considered sexual harassment:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening retaliation after a negative response to sexual advances.
- Conduct such as leering, making sexual gestures, displaying sexually suggestive objects, or pictures, cartoons, calendars, or posters.
- Conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, sexual banter, or innuendoes, or comments about an employee's body, or manner of dress.
- Communications of a sexual nature distributed in hard copy or via a computer network.
- Sexual advances or propositions.
- Abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
- Physical conduct such as touching, assault, impeding, or blocking movements.
- Retaliation for making harassment reports, threatening to report harassment, or participating in a harassment investigation.

Sexual harassment can occur between employees of the opposite sex or the same sex. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment can occur between supervisors and subordinates, employees and non-employees, and between co-workers.

The Equal Employment Opportunity Commission (EEOC) defines harassment as any unwelcome conduct that is based on race, creed, color, gender, religion, national origin, disability, age, marital status, genetic information of employees, applicants or their dependents; sexual orientation, gender identity, status as military veteran and any other category protected by any applicable local, state or federal law. Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Such prohibited harassment includes, but is not limited to, the following:

- Conduct such as threats, epithets, derogatory comments, or slurs;
- Conduct such as derogatory posters, photographs, cartoons, drawings, or gestures.
- Communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures.
- Physical conduct such as assault, unwanted touching, or blocking normal movement.
- Retaliation for making harassment reports, threatening to report harassment, or participating in a harassment investigation.

Any employee who believes they have been harassed by a fellow employee or agent of the City must immediately report the facts of the incident(s) and the names of the individual(s) involved to their supervisor, Department Director or directly to, the City Administrator's designee (Finance Director) or the City's Human Resources representative. Supervisors or Department Directors must immediately report any harassment claim to the City Administrator's designee (Finance Director).

Whenever the City is made aware of a situation that may violate this policy, the City will conduct an immediate, thorough, and objective investigation of any harassment claims; employees are expected to cooperate fully in any investigation. The confidence of the employees involved will be maintained to the extent possible. If the City determines that prohibited harassment has occurred, it will take appropriate action against any person found to have engaged in prohibited harassment. A determination regarding the alleged harassment will be made and communicated to the person claiming harassment as soon as practical. The type of discipline administered will be dependent upon the severity of the conduct, as well as any other factors presented, and the particular circumstances. Employees violating this policy are subject to discipline action, up to and/or including termination.

The City strictly prohibits retaliation against any person by another employee or by the City for using this complaint procedure, reporting harassment, or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the City or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire, or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.

The City does not consider conduct in violation of this policy to be within the proper course and scope of employment and does not sanction such conduct on the part of any employee, including management employees, as well as vendors, contractors, and citizens.

Just as harassment is a serious situation, so is the filing of false claims of harassment. Any claim proven to be unfounded or false will be dealt with appropriately.

Workplace Violence Policy

It is the intent of the City of Johnston that threats, threatening behavior and acts of violence against employees, or by employees, or other individuals, will not be tolerated. The City will take all threats seriously. It is the City's goal to eliminate violent behavior or the threat of such behavior involving employees. The prevention, reporting, and management of critical incidents are shared responsibilities which we all need to work towards in eliminating violence in the workplace. This is a zero-tolerance policy meaning the City disciplines or terminates every employee found to have violated this policy.

Violence or the threat of violence, by or against any employee of the City, or any other person, is strictly prohibited. The prohibited action will subject the perpetrator, if an employee, to serious disciplinary action up to and including termination of employment, and in all cases, possible criminal prosecution.

The possession of firearms or dangerous weapons (as defined in *Iowa Code* §702.7 to include, but not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length) while on City property, in a City facility or vehicle is strictly prohibited unless advanced permission is obtained from the employee's Department Director. Upon granting permission for the possession of firearms or dangerous weapons while on City property, the Department Director shall communicate their decision in writing to the City Administrator's designee (Finance Director) and a copy of the written communication shall be placed in the employee's permanent personnel file. Employees violating this policy will be terminated.

This policy does not apply to Police Officers or other employees that may be operating within the normal scope of their official duties, and using such weapons as tools of their profession.

Drug and Alcohol Policy

The City of Johnston prohibits the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances in the workplace, or any premise where City business is carried out. The presence or use of unlawful drugs or alcohol on the job, or being under their influence during work hours or while conducting City business is prohibited for all City employees. Violation of this policy will result in disciplinary action, up to and including, termination of employment.

The Drug-Free Workplace Act of 1988 requires employees to report any conviction under a criminal drug statute for violations occurring on the Employer's premises, or off the Employer's premises while conducting official City business. A report of a conviction must be made to your Department Director within five (5) workdays after conviction. Failure to do so will result in immediate suspension and/or termination of employment. Any staff member arrested in connection with a criminal drug violation occurring during work hours or in the workplace will be on personal leave of absence without pay and could face termination of employment pending the outcome of any legal investigation and conviction.

Drug and Alcohol Policy for Employees Required to Possess a Commercial Driver's License (CDL) - For Employees Covered Under the Federal Motor Carrier Safety Administration.

If the test of an employee, who is subject to the requirements of federal DOT drug and alcohol testing, results in a Medical Review Officer (MRO) verified positive test for the use of drugs, or an alcohol concentration of 0.04 or greater, the employee will be referred to an appropriate substance abuse professional for assessment and enrollment in a treatment and rehabilitation program, if recommended. Results of the positive drug or alcohol test and terms of the rehabilitation will remain confidential, except as provided by the Federal Regulations.

Employees referred to the treatment and rehabilitation program as a result of an MRO verified positive test or breath testing showing an alcohol concentration above 0.04, must immediately cease any substance abuse, must be subject to testing before returning to safety-sensitive duty, must subject themselves to periodic unannounced testing for a period of not to exceed sixty months, and must comply with all other conditions of the treatment and counseling program recommended by the substance abuse professional.

None of the expenses of the substance abuse treatment and rehabilitation program shall be paid for by the employer. All expenses for the rehabilitation program shall be paid for entirely by the employee with the employee health insurance provider funding a portion as provided in the benefit plan.

An employee required to take time off in order to participate in a rehabilitation program will be permitted to use Paid Time Off (PTO) and/or unpaid leave.

Participation in substance abuse treatment and rehabilitation will not result in disciplinary action; however, non-covered duties may be assigned until the MRO or substance abuse professional determines that the employee may return to duty. Successful completion of the prescribed program will be required for the employee to continue employment with the employer.

If the employee is undergoing substance abuse treatment and counseling or has returned to duty upon successfully completing such treatment and rehabilitation and a subsequent test is verified by the MRO as positive, or results in an alcohol concentration of 0.04 or greater, the employee will be terminated.

Employees who undergo substance abuse treatment and counseling under this policy and who continue to work must meet all established standards of conduct and job performance.

Smoking and Tobacco Policy

In accordance with state law, all City of Johnston-owned buildings, facilities and vehicles are smoke free. All tobacco usage, including smoking and smokeless tobacco, as well as electronic cigarettes is prohibited in all City-owned buildings, facilities, equipment and vehicles and on all public grounds owned by the City except in designated areas in accordance with the Iowa Smokefree Air Act. Each City-owned building may establish a designated smoking area. This area must be located in the building's parking lot away from all building entrances and must not adversely impact other employees or the general public. Please contact your supervisor to identify these designated smoking areas. Employees are also permitted to smoke, use tobacco, or use electronic cigarettes within their personal vehicles which are parked in a City-owned parking lot. Employees who choose to smoke, use electronic cigarettes, or use tobacco products must do so in accordance with this section and during normal meal and break periods. Employees are not provided additional time away from work to smoke, use tobacco products, or electronic cigarettes. Violation of this prohibition may lead to disciplinary action, up to and including termination,

Family and Medical Leave Policy

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

To be eligible for family/medical leave an employee must:

- Have worked for the City of Johnston for at least 12 months; and
- Have worked at least 1,250 hours over the previous 12 month period.

Whether or not a particular situation is covered by FMLA depends on whether the law's requirements have been met, not on whether an employee requests FMLA. The City will designate leave as FMLA if eligibility is met and the law's requirements are satisfied even if the employee has not requested FMLA leave.

Family and Medical Leave is taken either in consecutive workweeks; intermittently in separate blocks of time; or by reducing the number of days the employee works per week, or hours per day. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;

- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty or call to covered active duty status.

Military family leave:

- Qualifying Exigency Military Leave - For purposes of qualifying exigency leave, family members of covered service members called to active duty may take leave for one or more of the following qualifying exigencies: (1) to address any issues which arise from the member learning of a call or order to duty seven or less calendar days prior to deployment; (2) to attend military events or sponsored family support programs; (3) to arrange for alternative childcare or school attendance, attend childcare or school meetings, or provide childcare on an urgent immediate need basis when necessitated by the call to duty; (4) to make or update financial and legal arrangements to address the military member's absence, or to serve as the military member's representative in obtaining, arranging or appealing military service benefits; (5) to attend counseling (not provided by a health care provider) for oneself, the military member, or child of the military member; (6) to spend time (up to 5 days of leave for each instance) with a military member on temporary rest and recuperation leave; (7) to attend post-deployment activities, and (8) any other events which employer and employee agree arise out of the military member's call to duty, qualify as an exigency, and agree as to the timing and duration of leave.
- Military Caregiver Leave (aka Covered Servicemember Leave) – eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty.

For the purposes of this policy, the following definitions apply:

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

Son or daughter of a covered servicemember means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

Parent - For FMLA leave purposes, “parent” is defined broadly as a biological, adoptive, step, or foster parent, or an individual who stood *in loco parentis* to an employee when the employee was a child. See 29 C.F.R. § 825.122(b). An employee's parents-in-law are not included in the definition of

“parent” for purposes of FMLA leave. The FMLA military leave provisions have a specific definition of parent for purposes of servicemember caregiver leave.

12-Month Period – means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

Covered Military Member for Qualifying Exigency Leave – means the employee’s spouse, son, daughter, or parent who is on active duty or call to active duty status.

Son or Daughter for Military Qualifying Exigency Leave and Military Caregiver Military Caregiver – an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness.

Covered Servicemember for Military Caregiver Leave – means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the life of duty on active duty.

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

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than **three calendar days** from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

“*Serious Injury or Illness*” for service members or veterans:

In the case of a member of the armed forces (including a member of the National Guard or Reserves), "serious injury or illness" means an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

For a veteran who was a member of the armed forces (including a member of the National Guard or Reserves) at any time during the period of 5 years before the date on which the veteran undergoes medical treatment, recuperation, or therapy, "serious injury or illness" :

- a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
- a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
- a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
- an injury, including a psychological injury, on the basis of which the veteran is enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The family member of a veteran only needs to show that the veteran meets one of these definitions to establish that the veteran has a serious injury or illness.

Married Employees

If the employee and his/her spouse are both employed by the City and are both eligible for FMLA, the following rules apply:

The combined total of workweeks of FMLA leave to which husband and wife employed by the same employer and eligible for FMLA leave are entitled to is limited to 12 workweeks during any 12-month period for the following reasons:

- For the birth and care of the newborn child;
- For placement of a son or daughter for adoption or foster care, or to care for the employee's child after placement; and
- To care for a parent (but not a parent "in-law") with a serious health condition.

The combined 12 workweeks of FMLA leave limitation for married couples for the above mentioned reasons does not apply to leave taken for the following reasons:

- To care for the employee's spouse, son or daughter, who has a serious health condition;
- For serious health condition that makes the employee unable to perform the employee's job.

If FMLA leave was taken for these reasons, each spouse would be entitled to a full 12 workweeks of FMLA leave in any 12 months.

Intermittent/Reduced Schedule Leave

The FMLA permits eligible employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

- Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the employer's approval.

Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their employer to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider. In such cases, the employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodates recurring periods of leave better than the employee's regular job.

Substitution of Paid Leave

Eligible employees are required to use accrued **paid** leave for any part of FMLA leave taken. The leave may be paid, unpaid, or a combination of paid and unpaid depending upon the circumstances defined in Section IV.

Medical Certification

An employer may require that the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a health care provider. The employer must allow the employee at least **15 calendar days** to obtain the medical certification.

An employer may, at its own expense, require the employee to obtain a second medical certification from a health care provider. The employer may choose the health care provider for the second opinion, except that in most cases the employer may not regularly contract with or otherwise regularly use the services of the health care provider. If the opinions of the employee's and the employer's designated health care providers differ, the employer may require the employee to obtain certification from a third health care provider, again at the employer's expense. This third opinion shall be final and binding. The third health care provider must be approved jointly by the employer and the employee. The "Certification of Health Care Provider" (optional form WH-380)

Maintenance of Health Benefits

A covered employer is required to maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.

Where appropriate, arrangements will need to be made for employees taking unpaid FMLA leave to pay their share of health insurance premiums. For example, if the group health plan involves co-payments by the employer and the employee, an employee on unpaid FMLA leave must make arrangements to pay his or her normal portion of the insurance premiums to maintain insurance coverage, as must the employer. Such payments may be made under any arrangement voluntarily agreed to by the employer and employee.

An employer's obligation to maintain health benefits under FMLA stops if and when an employee informs the employer of the intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. The employer's obligation also stops if the employee's premium payment is more than 30 days late and the employer has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

In some circumstances, the employer may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

Other Benefits

Certain types of earned benefits, such as seniority or paid leave, need not continue to accrue during periods of unpaid FMLA leave provided that such benefits do not accrue for employees on other types of unpaid leave. For other benefits, such as elected life insurance coverage, the employer and the employee may make arrangements to continue benefits during periods of unpaid FMLA leave. An employer may elect to continue such benefits to ensure that the employee will be eligible to be restored to the same benefits upon returning to work. At the conclusion of the leave, the employer may recover only the employee's share of premiums it paid to maintain other "non-health" benefits during unpaid FMLA leave.

Substitution of Paid Leave

Eligible employees will be required to use paid leave for any part of a family/medical leave taken for any reason. The leave may be paid, unpaid or a combination of paid and unpaid depending upon the circumstances defined in Section IV.

Notice Requirements

Employees must submit a written request for FMLA which states the reason for the leave. The request shall be submitted to the City 30-days prior to the date the leave is to begin for births, adoptions, planned treatments and other qualifying foreseeable conditions. Should circumstances exist necessitating the leave to begin earlier, the employee is required to provide such notice as is practical.

A request for leave must be supported by certification issued by the health care provider of the employee, spouse, child or parent of the employee. Such certification shall state:

- The date on which the serious health condition commenced.
- The probable duration of the condition.
- Appropriate medical facts within the knowledge of the health care provider regarding the condition.

An employee requesting Qualifying Exigency Military Leave must submit a completed Department of Labor Form WH-384.

An employee requesting Military Caregiver Leave must submit a completed Department of Labor Form WH-385.

Maintenance of Benefits

An employee granted leave under this policy will continue to be covered under the City's group health, dental, life and disability insurance plans under the same conditions as coverage would have been provided if they had been continuously employed during the leave period. The employee will be required to continue their monthly premium contributions either through payroll deduction or by direct payment to the City. The employee will be advised in writing at the beginning of the leave period as to the amount

and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.

If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage. If the City pays the employee's missed contributions while the employee is on leave, the employee will be required to reimburse the City for delinquent payments upon return from leave. The employee will be required to sign a payroll reimbursement authorization for the delinquent payments.

If an employee fails to return from unpaid family/medical leave for reasons other than the continuation of a serious health condition of the employee or a covered family member or circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the health, dental, life and disability insurance payments paid by the City on behalf of the employee during the period of leave.

An employee shall not hold outside employment while on Family Medical Leave without the approval of the City Administrator.

An employee is not entitled to seniority or benefit accrual, including Paid-Time-Off (PTO) during periods of unpaid leave but will not lose any benefits accrued prior to the leave.

Job Restoration

An employee who returns to work within the allowable leave time following a family/medical leave will be reinstated to their former position or an equivalent position with equivalent pay, benefits, status and authority. Restoration rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or the employee would have been terminated if not for the family/medical leave, the employee would not have the right to be reinstated upon return from family/medical leave.

An employee who fails to return to work upon the expiration of the allowable leave time will be subject to immediate termination unless an extension is granted.

Reasonable Accommodations

It is the policy of the City to comply with the provisions of the Americans with Disabilities Act Amendments Act (ADAAA). In compliance with the Americans with Disabilities Act (ADA), the City will consider a reasonable accommodation to enable qualified applicants or employees with disabilities to perform the essential functions of the position. A qualified employee with a disability may request a reasonable accommodation from his/her Department Director or the City Administrator. On receipt of an accommodation request, the Department Director will meet with the requesting individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make.

The applicant or employee claiming to have a disability and requesting an accommodation for that disability shall provide:

- Documented medical evidence of the claimed disability.

- A written statement of the means of accommodation that would enable the applicant or employee to perform the essential functions of the job that meet City performance standards.

The Department Director, City Administrator, and physician, with possible consultation of a counselor or other appropriate professional will determine the feasibility of the requested accommodation, considering factors, including, but not limited to, the nature and cost of the accommodation requested, the availability of outside funding, the City's overall financial resources and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties. The City will provide reasonable accommodations in compliance with federal and state law as long as such action does not pose an undue hardship.

The Department Director or City Administrator will inform the employee or applicant of the City's decision on the accommodation request or on how to proceed with the accommodation. The applicant or employee shall provide a written statement of acceptance or rejection of any alternative means of accommodation proposed by the City and the reason for any such rejection.

SECTION II

EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND AFFIRMATIVE ACTION

The City of Johnston supports equal employment opportunity for all individuals without regard to race, color, religion, creed, gender, sexual orientation, gender identity, age, national origin, marital status, disability; genetic information of employees, applicants or their dependents; status as a military veteran and any other category protected by any applicable local, state, or federal law. This policy applies to all terms, conditions, and privileges of employment, including hiring, probation, training, promotion, transfer, compensation, benefits and assistance, layoff, recall, employee facilities, discharge, and retirement.

Discrimination in employment will not be tolerated. In addition, the City will not tolerate retaliation against an employee for having opposed discrimination, having made a complaint of discrimination, having advised a member of management of alleged discriminatory conduct, or having participated in any manner in an investigation or proceeding regarding an allegation of discrimination. Employees are prohibited from engaging in any discrimination or retaliation.

The City also prohibits the harassment of any employee on the basis of his or her being a member of any protected class. Those in protected classes, race, color, religion, creed, gender, age, national origin, marital status, disability; genetic information of employees, applicants or their dependents; sexual orientation, gender identity; status as a military veteran, and any other category protected by any applicable local, state, or federal law.

The City has appointed the Finance Director as the Equal Employment Opportunity (EEO) Coordinator, whose responsibilities include monitoring compliance with this policy and reporting in accordance with applicable laws.

Every employee has an obligation to report any discriminatory conduct that he or she believes has occurred or is occurring, whether such conduct is directed toward that employee or another. If any

employee or applicant for employment believes he/she has been discriminated against or believes he/she has observed or is aware of any discrimination, it should be immediately reported to the employee's Department Director or the EEO Coordinator. If the employee or applicant is uncomfortable reporting to either the Department Director or the EEO Coordinator, or if the allegation involves either the Department Director or the EEO Coordinator, then the report should be to the City Administrator. An investigation will be conducted and corrective action will be taken as appropriate.

Every employee, contractor, or subcontractor who does not comply with this policy will be subject to disciplinary action (in the case of an employee), including, but not limited to, discharge and penalties including, but not limited to, termination of contracts (in the case of a contractor or subcontractor).

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual or an individual's family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

SECTION III COMPENSATION

The City seeks to balance the need to be prudent with public funds and the compensation needs of its employees. The City competes for a talented dedicated workforce in the same labor market as private sector employers. Accordingly, the City frequently assesses the labor market in order to determine the competitiveness of its pay plans. The City offers a competitive total compensation package and a work environment where you can feel good about your contribution to improving the community where you work.

Definitions

Regular Full-Time Employee – an employee who normally works a minimum of 40 hours per week. Full-time employees are eligible to participate in the City's benefit programs.

Regular Part-Time Employee – an employee who is regularly scheduled to work year-round, with a minimum of 20 hours but less than 40 hours per week. **Unless otherwise noted elsewhere in the handbook, regular part-time employees are not eligible to participate in the City's benefit programs**

Regular Part-Time/Paid-On-Call Employee - an employee of the Johnston Fire Department who is assigned to a squad and receives compensation based upon their participation in and response to calls for service. **Unless otherwise noted elsewhere in the handbook, regular part-time/paid-on-call employees are not eligible to participate in the City's benefit programs.** Regular part-time/paid-on-

call employees are eligible to receive holiday pay benefits but are not eligible for the City's paid-time-off program.

Seasonal/Temporary Employee – An employee who may work full- or part-time during one or more seasons. Seasonal/Temporary employees are not eligible to participate in the City's benefit programs.

Job Classification

Each job classification will be evaluated utilizing a formal job evaluation system called the Decision Band™ Method (DBM). DBM ratings will be determined for each job classification and assigned to the appropriate salary range for such DBM ranking. Newly appointed employees will be compensated within the established range based upon several factors including their qualifications, education and experience. Generally, wage increases occur at the beginning of each fiscal year.

Pay Periods

Employees are paid on a bi-weekly basis.

The payday is Friday unless the payday falls on a holiday other than New Year's Day, then employees will be paid prior to the holiday. If the payday falls on New Year's Day, the Employees will have the option to have a paper check given to them at the close of business on December 31st or employees wishing to continue with ACH deposits will receive their deposits on the next business banking day. The pay period will begin on Sunday and end on Saturday of the week prior to the pay date. The City makes required payroll deductions such as Social Security, Medicare, IPERS and income taxes as appropriate to your classification and your elections on the W-4 form.

Direct deposit of payroll checks is provided and encouraged. Employees may divide their payroll check among several depositories and/or accounts for same day ACH deposit. Contact the Payroll Clerk for additional information on direct deposit.

Overtime and Compensatory Time

All employees are expected to work overtime when necessary. Unless otherwise expressly modified in a collective bargaining agreement approved by the Johnston City Council or further detailed in the following paragraph, non-exempt employees that work in excess of 40 hours in any workweek, shall be paid either cash or compensatory time at a rate of time and one-half for all time worked in excess of 40 hours when directed and approved by the employee's Department Director or supervisor.

Police Sergeants shall be paid either cash or compensatory time at a rate of time and one-half for all time worked in excess of 9 hours in any workday when directed and approved by the Chief of Police or the employee's supervisor. Compensatory time maximum annual accrual will be 42.5 hours.

Performance Appraisal

All employees shall have their job performance formally evaluated at the end of the probationary period and annually, prior to the beginning of the fiscal year. Each Department Director is responsible for the timely and proper completion of an employee performance review and evaluation report. Salary adjustments normally occur on the first payroll of the fiscal year pending a satisfactory performance evaluation and provided the maximum pay range has not been achieved.

Tuition Reimbursement

The City of Johnston supports our employees who wish to continue their education to secure increased responsibility and growth within their professional careers. In keeping with this philosophy, the City has established a reimbursement program for expenses incurred through pre-approved institutions of higher learning. Full-time employees who have completed their probationary period are eligible for participation in this program under the following guidelines:

- A. The degree or course(s) related directly to the employee's current job duties or to a job within the city to which the employee could reasonably be promoted. An employee planning to obtain a degree they consider may be eligible under this program should obtain prior confirmation from their department director;
- B. The degree obtained is either an associate's degree or bachelor's degree from an accredited two-year or four-year college;
- C. The course work is to be completed on the employee's own time unless otherwise approved;
- D. The employee obtained at least a 2.0 final grade point average on a 4.0 scale for the degree or course. Proof of completion for the purposed of reimbursement shall be in the form of a printed transcript from the institution attended;
- E. The employee's department director and the City Administrator shall determine eligibility under this program and make recommendations concerning awards to the City Council for approval.

Reimbursement Amounts

- Degree Programs: Grades A-C = 75% reimbursement
- Any grade less than a C or 2.0 gpa is not eligible for reimbursement
- A Pass/Fail course or certification = 75% reimbursement if passed successfully
- Reimbursement will be up to \$1200.00 per calendar year with a lifetime maximum of \$4800.00 for full-time employees.

Eligible expenses include tuition, registration, and required fees such as building use, lab fees, and required text books.

Employees accepting the terms of this policy will be required to provide written authorization of acceptance, as well as an agreement to repay the City the following percentages preceding the employee's termination date.

The employee must repay 100% of any reimbursement under this policy received during the (12) twelve months preceding the employee's termination date, and 50% of any reimbursement under this policy received 13-24 months prior to the employee's termination date.

Eligibility and Reimbursement Procedure

- Pre-approval by the employee's department director and City Administrator of the institution, course, or degree relevance, and schedule requirements. This must be done before starting classes.
- Upon completion of any course, term, semester, or degree path, a transcript shall be provided and shall include credit hours awarded and final grade report supporting any claim for reimbursement.

- Any and all information regarding the course(s), degree planning, required textbook costs, or any associated fees, intended to be included for reimbursement shall be made available to the City upon request and shall not be limited to transcripts of completion and final grade. Refusal to provide any information or required documentation as requested by the City may be terms for non-reimbursement.
- All reimbursement funds shall be paid to the employee only after completion of the course, term, semester, or degree is awarded, and only after the required documentation has been provided.

SECTION IV LEAVE BENEFITS – PAID AND UNPAID
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Paid Holidays

The following days shall be recognized and observed by all non-union regular full-time and regular part-time employees (except for employees of the Johnston Public Library and the Johnston Fire Department) as paid holidays:

- New Year's Day
- Martin Luther King Jr. Day (does not apply to Police Sergeants)
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- The day after Thanksgiving Day
- Christmas Eve Day
- Christmas Day (If Christmas falls on Saturday, the Christmas Eve and Christmas holidays will be Thursday and Friday. If Christmas falls on Sunday the holidays will be Friday and Monday. If Christmas falls on Monday the holidays will be Monday and Tuesday.

The following days shall be recognized and observed by regular full-time, regular part-time employees of the Johnston Public Library and regular part-time/paid-on-call employees of the Fire Department:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- The day after Thanksgiving Day
- Christmas Eve Day
- Christmas Day

Employees shall be eligible for holiday pay provided they work the last scheduled working day before and the next scheduled working day following the holiday, or provided they are on approved paid leave for those same days. In approving leave around a holiday, Department Directors and/or supervisors must ensure adequate personnel are on duty to conduct departmental business.

Non-exempt employees working on a holiday at the direction of his/her Department Director or supervisor shall be paid at a rate of time and one-half for all hours worked in addition to the holiday pay.

Police Sergeants working on July 4, Thanksgiving Day, or Christmas Day at the direction of the Chief of Police shall receive two (2) times their normal hourly rate for all hours worked and shall receive 9 hours of PTO in lieu of holiday pay. Police Sergeants working on all other holidays at the direction of the Chief of Police shall be paid at a rate of time and one-half for all hours worked and shall receive 9 hours of PTO in lieu of holiday pay.

The following days shall be recognized and observed by regular full-time Fire Department employees, including Lieutenants (excludes Fire Chief and Deputy Chief):

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- The day after Thanksgiving Day
- Christmas Eve Day
- Christmas Day

Employees shall elect, in writing, whether to receive twelve (12) hours of pay or twelve (12) hours of PTO for recognized holidays not scheduled to work in the coming year.

Any employee working July 4th, Thanksgiving Day, or Christmas Day will receive two (2) times their regular hourly rate for all hours worked; and any employee working any of the other designated holidays will receive one and one-half (1½) times their normal hourly rate for all hours worked. Employees working any holiday will receive PTO in lieu of the holiday pay equal to the amount of hours worked.

Employees on unpaid leave are not eligible to receive holiday pay.

When a holiday occurs during an employee's approved paid leave of absence, the holiday will not be counted as part of the employee's leave of absence.

Paid-Time-Off (PTO)

Paid-Time-Off (PTO) is an all-inclusive paid time off program that will provide income protection for "no fault" time away from work including illness related absences. Another portion of the PTO program is the Medical Leave Bank, which may only be used for employee's extended illness, injury, disability, or hospitalization or for a qualifying event under the Family and Medical Leave Act (FMLA).

This policy applies to all regular full-time and part-time employees. Whenever provisions of this policy are in conflict with federal or state laws or regulations, the provisions of the laws or regulations shall prevail.

PTO is intended to be used for a variety of traditional types of time away from work including vacation, illness, personal business, medical appointments, family time, personal holidays, and personal voluntary community service and may be taken in one-quarter hour ($\frac{1}{4}$) increments for all non-exempt full-time and part-time employees. Exempt employees shall take PTO in four (4) hour increments.

PTO shall be accrued on a bi-weekly basis during the fiscal year, July 1 through June 30. PTO increases with years of service in accordance with the following schedule and is allocated accordingly on a bi-weekly basis. The maximum PTO accrual is 420 hours for full-time employees, 315 hours for part-time employees working 30-39 hours/week and 210 hours for part-time employees working 20-29 hours/week.

An employee in unpaid leave status shall not accrue PTO.

Changes in the bi-weekly PTO accrual rate shall become effective at the beginning of the pay period in which the anniversary date of the qualified employee occurs.

PTO requests should normally be received at least seven (7) calendar days in advance and must be approved by the Department Director or his/her designee. The Department Director may require rescheduling of PTO in emergency situations. If the Department Director feels that the nature of work makes it necessary to limit the number of employees granted PTO at any one time requests will be dealt with on a first come first served basis. Once PTO to be taken is approved by the Department Director or his/her designee, it can only be changed by agreement with the Department Director or his/her designee.

When absences due to illness are necessary, the employee shall notify the Department Director or their designee prior to the beginning of his/her scheduled reporting time within the time period designated by the Department Director or their designee. Failure to do so without a bona fide reason may result in the employee being considered absent without leave and subject to disciplinary action. The Employer reserves the right to require satisfactory proof of illness, which may include a physician's statement or other evidence.

Upon resignation or termination, employees who have successfully completed his/her established probationary period shall be paid for all unused PTO up to the maximum accrual amount of 420 hours for full-time employees; 315 hours for part-time employees working 30-39 hours/week; and 210 hours for part-time employees working 20-29 hours/week.

Medical Leave Bank

An employee granted time off work must use any available PTO leave during the absence unless the reason for the employee's absence is due to the employee's illness, injury, disability or hospitalization which exceeds three (3) consecutive workdays. Medical leave shall be used for employee absences related to the employee's illness, injury, disability or hospitalization that exceed three (3) consecutive workdays. Medical leave may also be used during the state mandated waiting period for a work related injury covered by the City's worker's compensation insurance carrier. If the medical leave bank is exhausted, the employee must then use any remaining accrued PTO leave. Use of PTO and medical leave will run concurrently with an approved FMLA.

Exceptions to the medical leave bank policy shall be approved by the City Administrator.

The Employer reserves the right to require satisfactory proof of illness, which may include a physician's statement or other evidence. Unauthorized use of medical leave may result in loss of pay for the duration of the absence and may be considered grounds for disciplinary action.

Upon resignation or termination, an employee shall not receive payment for any unused medical leave.

Annual PTO Conversion

Employees employed by the City on December 31st of each year and who have successfully completed the established probationary period may be allowed to convert up to one work week of PTO hours to their Medical Leave Bank. An employee shall submit a written request for the PTO conversion to the Finance Director prior to January 31st of the following year.

Use of Medical Leave Bank and Family and Medical Leave Act (FMLA)

Employees may use accrued medical leave for an approved FMLA (See FMLA section for definitions) qualifying event pursuant to the following conditions:

- *Employee is unable to work because of a serious health condition* – an employee must use accrued medical leave if employee is absent from work for more than three (3) consecutive work days. Once accrued medical leave is exhausted the employee's PTO will be used until the balance is exhausted. An employee may maintain a PTO balance equal to one work week.
- *For the birth and care of a newborn child of the employee* – an employee may use accrued medical leave or accrued PTO.
- *For placement with the employee of a child for adoption or foster care* - an employee may use accrued medical leave or accrued PTO.
- *To care for an immediate family member (spouse, child, or parent) with a serious health condition* - an employee must use all accrued PTO. Accrued medical leave may be used once an employee's PTO balance is exhausted. An employee may maintain a PTO balance equal to one work week prior to utilizing accrued medical leave.
- *Service Member Leave* – an employee must use all accrued PTO. Accrued medical leave may be used once an employee's PTO balance is exhausted. An employee may maintain a PTO balance equal to one work week prior to utilizing accrued medical leave

PTO Accrual Schedules (revised 6/10)

Exempt Employee PTO Leave Accrual Schedule

0 - 5 Years of Employment:	8.38 hours bi-weekly
5 - 10 Years of Employment:	9.93 hours bi-weekly
10 - 15 Years of Employment:	11.47 hours bi-weekly
15 + Years of Employment:	13.01 hours bi-weekly

Police Sergeants Accrual Schedule

0 - 5 Years of Employment:	7.39 hours bi-weekly
5 - 10 Years of Employment:	9.03 hours bi-weekly
10 - 15 Years of Employment:	10.66 hours bi-weekly
15 + Years of Employment:	12.30 hours bi-weekly

Fire Department Personnel (excluding Chief and Deputy Chief) Accrual Schedule

	<i>48hr Employee</i>	<i>56hr Employee</i>
0 - 5 Years of Employment:	7.93 hours bi-weekly	9.24 hours bi-weekly
5 - 10 Years of Employment:	9.78 hours bi-weekly	11.39 hours bi-weekly
10 - 15 Years of Employment:	11.62 hours bi-weekly	13.54 hours bi-weekly
15 + Years of Employment:	13.47 hours bi-weekly	15.70 hours bi-weekly

Non-Exempt Full-time Employees Accrual Schedule

0 - 5 Years of Employment:	6.85 hours bi-weekly
5 - 10 Years of Employment:	8.39 hours bi-weekly
10 - 15 Years of Employment:	9.93 hours bi-weekly
15 + Years of Employment:	11.45 hours bi-weekly

Non-Exempt Part-time Employee Accrual Schedule (20-30 hours per week)

0 - 5 Years of Employment:	3.43 hours bi-weekly
5 - 10 Years of Employment:	4.20 hours bi-weekly
10 - 15 Years of Employment:	4.97 hours bi-weekly
15 + Years of Employment:	5.73 hours bi-weekly

Non-Exempt Part-time Employee Leave Accrual Schedule (30-39 hours per week)

0 - 5 Years of Employment:	5.14 hours bi-weekly
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5 - 10 Years of Employment:	6.29 hours bi-weekly
10 - 15 Years of Employment:	7.45 hours bi-weekly
15 + Years of Employment:	8.59 hours bi-weekly

Employment Related Illness and Injury

Employees shall report all employment related illnesses and injuries immediately to his/her immediate supervisor and complete the required OSHA form(s). The City will provide documentation to our worker's compensation insurance carrier.

The City has a designated University of Iowa Health Clinic, 8605 Chambery Boulevard, Johnston, IA 50131 as its worker's compensation authorized treating clinic as provided by law under *Iowa Code* §85.39. Employees with non-emergent employment related illness/injuries will be required to have their initial evaluation with this clinic. If appropriate, and with prior approval from the City's worker's compensation insurance carrier, the designated clinic may make referrals to other providers/specialists. Employees with emergent employment related illness/injuries shall seek emergency room treatment at the nearest hospital or medical center.

If an employee seeks treatment from another provider/specialist without a referral from the authorized treating clinic, the employee will be responsible for all expenses related to those visits. No worker's compensation benefits may be claimed unless the employee is seen by the authorized treating clinic.

An employee who experiences an employment related illness/injury will be allowed to use accrued medical leave as compensation for the three (3) day waiting period. An employee receiving temporary or permanent disability payments from the City's worker's compensation insurance carrier is considered in unpaid leave status and is not eligible for holiday pay or PTO accrual or other accrual benefits. The employee is responsible for reimbursing the City for their share of monthly health, dental and life insurance premiums. Paid and unpaid leaves of absence associated with employment related illness/injuries are subject to the Family and Medical Leave Act (FMLA).

Employees injured on the job or in the line of duty shall be allowed to supplement their Worker's Compensation payment with PTO or medical leave bank to receive a full paycheck.

All benefits will be maintained during a workers compensation leave, except for the accrual of PTO leave, which will accrue pro-rata while on workers compensation.

Military Leave

The City will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Iowa Code Section 29A.28.

Employees who are members of a reserve force of the United States or of the state of Iowa shall be granted a leave of absence when ordered to attend a training program or perform other duties under the supervision of the United States or the state of Iowa. This leave of absence shall be with pay, only for regular full-time employees, during the period of such activity and shall not exceed thirty calendar days per year.

Any employee who enters into active service in the Armed Forces of the United States while in the service of the City of Johnston shall be granted an unpaid leave of absence for the period of military service.

Employees must provide a copy of their orders to their Department Director at least ten (10) working days prior to reporting for duty.

Family Illness or Death

Regular full-time and regular part-time employees may be granted an emergency leave of absence, with pay, in the event of the serious illness or injury of a member of the employee's immediate family. Immediate family is defined as: parent, spouse, child, sibling, grandparent, grandchild, stepchild, legally recognized/authorized foster child residing in the employee's home, spouse's parents and spouse's siblings. The City will pay the wages of the employee for emergency leave for the day of the emergency.

An emergency is defined as a serious illness or injury of an individual included in the above referenced definition that requires the immediate attention of the employee to assist in making medical decisions. An emergency does not include scheduled or elective medical procedures.

Regular full-time and regular part-time employees may be granted funeral leave of 4 days, with pay, in the event of a death of a member of the employee's immediate family. Immediate family is defined as: parent, spouse, child, sibling, grandparent, grandchild, stepchild, legally recognized/authorized foster child residing in the employee's home, spouse's parents and spouse's siblings.

Jury Duty

The City of Johnston shall continue to pay the wage or salary of any regular full-time employee called to jury duty provided the employee provides proof of such duty. The employee is required to return to the City any payment received from the Court for jury service other than travel or expense allowances.

Unpaid Leave of Absence

Regular full-time employees may request an unpaid leave of absence after successfully completing his/her probationary period. The request shall be submitted to the employee's Department Director in writing and indicate the reason and length of the unpaid absence. The City Administrator, upon recommendation from the Department Director, may grant an unpaid leave of absence for up to six (6) months for illness or other legitimate reasons as determined by the City Administrator. This leave may be extended an additional six (6) months at the discretion of the City Administrator. There is no guarantee that an unpaid leave of absence will be granted.

During an unpaid leave, an employee:

- Does not accrue PTO
- Does not collect PTO or holiday benefits
- Must reimburse the City for all insurance premiums paid while on leave if coverage is desired to be continuous.

SECTION V EMPLOYEE BENEFITS
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Disclaimer: The City reserves the right to alter, modify or terminate any of the insurance plans, programs and benefits that are listed below at any time, with or without notice, subject only to its obligation, if any, to bargain with an employee organization. The City reserves the right to change insurance carriers at any time.

The insurance benefits for all plans that are referred to in this section are subject to the terms and conditions of the policies the City has with the insurance carrier.

Insurance

The group insurance program the City provides for regular full-time employees and their dependents is constantly being reviewed to provide a cost-effective foundation upon which you can build the security and well-being required for you and your dependents. The following is a brief outline of the coverage provided:

- Medical Insurance
- Dental Insurance
- Life Insurance
- Voluntary Life Insurance
- Short-term Disability Insurance
- Long-term Disability Insurance
- Voluntary Vision Insurance

COBRA

By law the City must offer continuation of health and dental insurance coverage to regular full-time employees and their dependents under certain termination of employment circumstances. Please contact the Finance Director for a summary of your rights and obligations.

Flexible Spending Account (FSA)

Regular full-time employees are eligible to participate in the City's Section 125 Cafeteria/Flexible Benefits Spending Account (FSA) which allows eligible medical and dependent care expenses to be deducted from each payroll on a pre-tax basis. Participation in the plan is voluntary.

Health Savings Account (HSA)

Regular full-time employees who participate in the City's High Deductible Health Plan and meet IRS guidelines are eligible to contribute to an HSA. To be eligible to receive city contributions to the HSA, an eligible employee must utilize the City's selected banking partner.

Deferred Compensation Plan

The City provides a deferred compensation plan for regular full-time employees. The plan allows employees to defer a pre-tax portion of their paycheck for retirement. Participation in the plan is voluntary.

Retirement

The retirement program for all regular full-time, part-time and certain seasonal or temporary employees is the Iowa Public Employees' Retirement System (IPERS).

Employee Assistance Program

The City provides a confidential Employee Assistance Program (EAP) to all employees and their dependents. Initial counseling and referral services are confidential and are provided at no cost. Counselors are available 24-hours a day, seven (7) days a week by calling (800) 327-4692.

Employee Work Clothing

The City of Johnston will provide work clothing with the Johnston logo to qualifying City Hall, Public Works, Parks, and Johnston Police Department employees. City provided work clothing is to be worn by employees for work related duties only.

This policy does not apply to employees covered by collective bargaining agreements (CBA) where the CBA provides uniforms. This policy does not apply to employees of the Johnston Police Department who have department uniform requirements. This policy does not apply to members of the Johnston Fire Department.

Police Sergeants shall be covered under the Teamsters Uniform, Clothing, and Weapon Allowance articles as outlined in the current collective bargaining agreement. Additionally, Police Sergeants shall be covered by the Vision Reimbursement articles in the current Teamsters CBA.

Annually, each covered employee may be issued two shirts with the Johnston logo. Employees will be responsible for the care and maintenance of these items. All uniform replacements will be at the discretion of the employee's Department Director. Employees may purchase additional Johnston work clothing at their own cost.

Employee Recognition Program

The City appreciates and recognizes the importance of your continuing service. All regular full-time and part-time employees will be presented with an Employee Recognition Award commemorating their years of service after 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 years of employment with the City.

SECTION VI WORK RULES AND PROCEDURES

Job Vacancy and Recruitment

The City of Johnston recruits the most qualified persons regardless of race, creed, color, age, religion, gender, sexual orientation, gender identity, national origin, disability, marital status, genetic information of employees, applicants or their dependents; status as military veteran and any other category protected by any applicable local, state or federal law that does not interfere with job performance with reasonable accommodation.

Job Posting

The City of Johnston, in its employment efforts, will post a notice of job opening in all departments for ten (10) work days and, if applicable, advertise the notice of job opening in local newspapers and trade and professional journals.

Application and Resume Dishonesty and References

If an applicant provides false, inaccurate or incomplete information on an application or resume, or fails to disclose information requested on the application form, the applicant may not be eligible for employment.

After an employee is hired, if it is discovered that the employee provided false, inaccurate or incomplete information, or failed to disclose requested information in the application, resume or interview process, the employee may be subject to disciplinary action, up to and including immediate termination of employment.

To ensure that individuals who are employed are well qualified and have a strong potential to be productive and successful, the City's policy is to check the employment references of all applicants.

Personnel Files

The City keeps a personnel file for each employee that may include the employment application, performance evaluations/reviews and other pertinent documents or information.

References will be placed in the employee's personnel file. The employee shall not have access to employment references written for the employee, pursuant to Iowa Code Section 91B.2.

Employees may review their file to examine the contents in the presence of the Finance Director or designee in order to preserve the security of your information. Employees may not remove items from the file.

Pre-Employment Drug Testing

All potential employees of the City of Johnston shall successfully complete a pre-employment, post offer drug test.

Probationary Period

All employees, with the exception of full-time Fire Department employees, shall serve a six (6) month probationary period. Full-time Fire Department employees will serve a twelve (12) month probationary period. An employee's probationary period may be extended at the discretion of the Department Director. If during the probationary period it is determined that the employee has not and is not able to fulfill the requirements of their employment, their employment will be terminated.

Retirement

Employees planning to retire from the City are asked to notify their Department Director at least six months prior to their retirement date. This advance notice allows the City to work with the employee and the department to implement a transition plan.

Resignation

Employees planning to terminate employment with the City in good standing are asked to notify their Department Director at least two weeks prior to their termination date. A written resignation should include the effective date and the reason(s) for leaving.

Hours of Work

Generally, a regular workweek consists of eight (8) hours per day, five (5) days a week. For union personnel a workweek may consist of a variety of work schedules. Exempt employees may be required to work more than 40 hours in a workweek.

Employees are expected to be at their workplace in accordance with approved hours of work, holidays and leaves. Employees must record their working time and non-working time (i.e. unpaid lunch breaks).

Lunch Periods

Each employee shall be allowed an unpaid lunch period, which shall generally be scheduled in the middle of the work shift. Lunch periods shall be scheduled by the department supervisor as the City must maintain adequate work coverage. Lunch periods will not be more than one (1) hour nor less than 30 minutes.

Rest/Break Periods

Each employee may take a 15-minute rest break for every four hours worked. The employee's direct supervisor is responsible for determining when and where the employees take rest breaks. Rest break time does not accrue; if it is unused it is lost.

Personal Appearance

All employees represent the City. Your neat appearance and dress are consistent with job responsibilities. These help to create a professional atmosphere and reflect a good image of the City and you as an individual. Individual City departments may have specific dress requirements and/or policies.

Outside Employment

Employees shall inform their Department Director of all outside employment in writing to avoid possible conflict with their City of Johnston employment. If outside employment interferes with an employee's work for the City of Johnston, the employee will be asked to resign from one or the other position.

Regular full-time employees of one department are prohibited from part-time or seasonal employment in another City department.

Any outside employment involving employees of the Police Department must be approved by the Chief of Police.

Employment of Relatives

The City will not hire relatives (i.e., spouse, domestic partner, children, parents, sister, brother, mother-in-law, father-in-law, grandparent, grandchild, son-in-law, or daughter-in-law) of regular full-time or part-time employees when employment would result in relatives working in the same department, or place an employee in a position supervised by a relative. Relatives may be hired if he/she would fall under the direct supervision of a non-relative in a different department. No immediate relative of elected City officials shall be employed by the City unless that person was employed by the City prior to the election of the related City official. No immediate relative of an appointed City official (i.e. board or commission member) shall be employed by the City within the department the official was appointed to advise or serve. Exceptions to this policy may be granted by the City Administrator for part-time employees hired to work as seasonal employees, and paid on call employees in the fire department on a case-by-case basis.

Acceptance of Gifts

Pursuant to Johnston Municipal Code §5.11 – Gifts: Except as otherwise provided in Chapter 68B of the *Code of Iowa*, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

Participation in Political Campaigns and Activities

In accordance with *Iowa Code* §721.3, the City encourages all employees to vote, which is an expression of your personal opinion. However, candidates or committee members cannot solicit contributions or receive political support from you during work hours. Employees may participate in, or contribute to, the election or appointment of public officials. However, political activities shall be conducted on the employee's own time and outside of their normal working hours and must not interfere with the employee's duties or performance.

Employees shall avoid using their employment by the City as a factor in any campaign or political activity, particularly when it can be used as a means of influence.

Candidates for Office

An employee who becomes a candidate for any City of Johnston elective office will automatically receive a leave of absence without pay. The leave without pay will begin when the employee either announces their candidacy or files a petition for office.

Use of City Equipment and Vehicles

Pursuant to *Iowa Code* §721.2(5) Employees are not permitted to use City owned equipment or vehicles for any private use and for personal gain.

Seatbelt Policy

Seatbelts are required to be worn in Iowa and must be used by City employees at all times while performing work for the City. This includes all personal and work vehicles which have factory-installed seatbelts including skid loaders, utility carts, backhoes, and mowers which have a Roll Over Protection Structure (ROPS).

Electronic Communication

Electronic communication includes but is not limited to electronic mail, Internet access, voice mail, audio and video conferencing, and facsimile messages. These services shall not be used to transmit any improper communications such as message which are derogatory, defamatory, or obscene. The City reserves the right to monitor electronic communication without prior notification to employees. Additionally, employees should keep in mind that all communication using City equipment (computers, phones, etc.) is treated as open records under *Iowa Code* §22 and can be made available to the public for review upon request.

Internal Investigations and Searches

The City may, at times, have the need to access an employee's work area to conduct internal investigations pertaining to security, auditing or simply to access needed information. All items, including personal belongings an employee may have on City-owned premises, are subject to search. Generally the City will advise employees before conducting a search. However, no right or expectation of privacy should be assumed concerning property owned by the City, including, but not limited to, lockers, desks, files, computers and vehicles.

Cooperation in Investigations

All employees are required to fully cooperate with any representative of the City who is conducting a work-related investigation. Employees will be disciplined for lying to any representative of the City, or providing information to any representative of the City which is dishonest, misleading, inaccurate, or incomplete.

Employees will also be disciplined for impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by any representative of the City. "Obstructing" includes, but is not limited to, threatening, intimidating, or coercing other individuals who may be contacted by a representative of the City, and discouraging other individuals who may be contacted by a representative of the City from responding to or cooperating with the City. "Failing to cooperate" includes, but is not limited to, failing to provide information, documents, or materials requested by a representative of the City, and providing information, documents, or materials to a representative of the City which are dishonest,

misleading, inaccurate, or incomplete.

Notification of Arrests and other Governmental Action

Employees are expected to perform their assigned jobs, respect and follow City policies, and obey the law. In the event that employees are arrested or receive a citation for any crime, have any criminal charges filed against them, receive notice of the disposition of any criminal charges pending against them (including, but not limited to, a conviction, a guilty plea, a plea of nolo contendere (no contest), or deferred judgment) or receive notice of any charges relating to operating a motor vehicle while intoxicated, they must notify his/her Department Director Notification to his/her Department Director must occur within five (5) business days of notification to the employee.

Employees whose duties require possession of a Commercial Driver's License and/or who regularly and frequently operate City vehicles must report all charges and citations, including traffic tickets such as speeding tickets. Other employees need not report such traffic tickets.

Employees who have any contact with minor children must notify the City Administrator within five (5) days of any child abuse complaints filed against them. Employees must notify the City Administrator within five (5) days of notification to the employee regarding the findings in any complaint against them alleging child abuse.

Information relating to arrests, criminal charges and child abuse complaints will be treated as confidential and maintained as part of the employee's personnel file. Employees who do not notify the City as required by this policy may be subject to disciplinary action up to and including termination.

SECTION VII DISCIPLINARY ACTION
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The City of Johnston considers employee discipline as corrective action. The disciplinary process is a serious matter for both the City and the employee. Unacceptable conduct will result in disciplinary action. Disciplinary action may be in the form of a verbal warning, written reprimand, demotion, suspension, or discharge.

Disciplinary action, up to and including termination, may result from either an internal investigation or a criminal investigation and conviction.

Examples of employee conduct that will result in discipline to the employee up to and including termination include but are not limited to:

- Harassment.
- Sexual harassment.
- Reporting to work under the influence of intoxicants or narcotics.
- Possession of intoxicants or narcotics on City property.
- Falsifying City records or information.
- Supplying false information for the completion of City records.
- Theft or willful destruction of property of the City or any employee.

- Possession of explosives, firearms or other concealed weapons on City property without permission.
- Sleeping during working hours, except for employees of the Fire Department's sleep-in program or those working a 24-hour shift.
- An employee determined to be an aggressor in a fight on City property.
- Absenteeism.
- Dishonesty.
- Habitual tardiness.
- Abuse of work schedules including working on personal unrelated work duties on City time; soliciting, collecting, distributing, or selling on City time without authorization; leaving workstation unnecessarily; or leaving work site during work hours without permission; internet use that violates the Electronic Communications and Technology policy, interferes with productivity, or distracts from the user's assigned work, or is disruptive to co-workers; making or accepting personal phone calls or text messages that interfere with productivity, distracts the user from assigned work, or is disruptive to co-workers.
- Insubordination – a direct refusal to perform assigned work or to follow an order.
- Poor work performance.
- Carelessness in handling of City equipment.
- Improper use of PTO or medical leave.
- Willful violation of safety and health requirements.
- Use of tobacco or electronic cigarettes in restricted areas, including any City facility, vehicle or equipment.
- Failure to call and notify the designated department representative of an absence prior to the start of the work day.
- Unauthorized use of City equipment.
- Violation of Gift Law.
- Violation of political activity policy.

SECTION VIII GRIEVANCE PROCEDURES
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The most important resource to the City of Johnston is its employees. At times employees may experience an issue in the workplace and the City has implemented the following procedure to resolve such issues and to assure employees that their issue will be heard and appropriate action will be implemented.

Step 1

Within five (5) workdays after the occurrence, the Employee shall present the written grievance to his/her Department Director. The grievance shall state the nature of the grievance and shall list all facts and witnesses as they are known to be and the remedy requested. The Department Director will arrange for a meeting with the employee to discuss the grievance and will respond to the grievance in writing within five (5) workdays.

Step 2

If the grievance is not resolved in step 1, within five (5) workdays after the Department Director's decision is issued, the employee shall present the written grievance to the City Administrator or his/her designated representative. The City Administrator and/or his/her designee will arrange for a meeting with the employee to discuss the grievance and will respond to the grievance in writing within five (5) workdays.

Step 3

If the grievance is not resolved in step 2, the employee shall present the written grievance to the City Council within five (5) workdays after the City Administrator or his/her designated representative's decision is issued. The City Council shall consider the grievance at the next regularly scheduled meeting. The City Council's decision shall be final.

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