



# CITY OF GILLETTE EMPLOYEE HANDBOOK

This handbook is not all inclusive, but is intended to provide employees with a summary of some of the City's guidelines and expectations. It should be used in conjunction with the City's Administrative Policy and Procedures found on the City's Intranet.

This edition replaces all previously issued editions. Any language used in this handbook or the City's Administrative Policy and Procedures and any verbal statements made by management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration.

**ANY EMPLOYEE OF THE CITY MAY BE TERMINATED AT ANY TIME FOR ANY REASON, OR FOR NO REASON. NO EMPLOYEE SHALL HAVE ANY RIGHT OR EXPECTATION OF FUTURE EMPLOYMENT, UNLESS THEY ARE A PARTY TO A WRITTEN CONTRACT WITH THE CITY, WHICH OUTLINES OTHER REQUIREMENTS FOR DISMISSAL.**

**THIS HANDBOOK IS INTENDED AS A GUIDE FOR THE EFFICIENT AND PROFESSIONAL PERFORMANCE OF YOUR JOB. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO BE A CONTRACT BETWEEN THE EMPLOYER AND THE EMPLOYEE. ADDITIONALLY, THIS HANDBOOK IS NOT TO BE CONSTRUED BY ANY EMPLOYEE AS CONTAINING BINDING TERMS AND CONDITIONS OF EMPLOYMENT. THE CITY RETAINS THE ABSOLUTE RIGHT TO TERMINATE ANY EMPLOYEE, AT ANY TIME, WITH OR WITHOUT GOOD CAUSE. THE CITY RETAINS THE RIGHT TO CHANGE THE CONTENTS OF THIS HANDBOOK AS IT DEEMS NECESSARY, WITH OR WITHOUT NOTICE.**

The City Council has the authority to enter an agreement of employment for any specified period and may designate the City Administrator to act on behalf of the City Council for this purpose. All employment agreements shall be in writing signed by the Mayor or City Administrator and the employee.

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. IF AN EMPLOYEE HAS QUESTIONS ABOUT ANYTHING IN THIS HANDBOOK THEY SHOULD TALK WITH THEIR DEPARTMENT HEAD OR THE HUMAN RESOURCES DEPARTMENT.

## ACKNOWLEDGEMENT OF RECEIPT

I have received a copy of the March 1, 2018 edition of the City of Gillette's employee handbook which supersedes all previous editions. I understand it is my responsibility to read and become familiar with this information, as doing so will acquaint me with the City's personnel practices, rules, employee benefits and basic organizational philosophy.

It is important to understand that these policies and the City's Administrative Policies and Procedures do not create an express or implied employment contract or a guarantee of employment of any specific duration between the City and the employee, and either of the parties may decide to terminate the employment relationship at any time. Further, I understand that:

- I have the right to end my work relationship with the organization, with or without notice for any reason or no reason at all. The City has the same right.
- The language used in this handbook and any verbal statements of management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration.
- These policies are general guidelines only and are not all-inclusive, but are intended to provide me with a summary of some of the organization's guidelines and expectations.

This edition replaces all previously issued handbooks. The need may arise to change the guidelines described in the handbook. The City therefore reserves the right to interpret them or to change them with or without prior notice.

I understand that no Supervisor, Manager, or representative of the City other than the City Council, or City Administrator, as designated by the City Council, has the authority to make any written or verbal statements or representations that are inconsistent with these policies or to enter into an agreement of employment for any specified period. Such agreement must be in writing, approved by the City Council and signed by the Mayor and myself. We have not entered into such an agreement.

As the City grows and changes, personnel policies may also change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the City Council.

If I have questions about these policies or any other policies of the City, such questions should be directed to a Supervisor, Department Head or the Human Resources Department.

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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## **CHAPTER 1**

### **PURPOSE AND SCOPE**

#### **1.1 INTRODUCTION**

This handbook serves as a general guide to the City's current employment practices. Procedures are identified in greater detail in the Administrative Policies and Procedures. The Administrative Policies and Procedures are the interpretation of these guidelines and should be used in conjunction with this Handbook. It is the intent of this information to assist employees to understand how the City operates and what is expected of the individual employee. These guidelines also provide general information about what the City provides to its employees in terms of compensation, benefits and other support.

The City places the highest value on employees and their well-being. It is the City's desire to assist the employee in a high degree of job satisfaction and provide the support necessary to achieve the objectives of their position.

It is the City's belief that when consistent personnel policies are known and communicated to all employees, the possibilities for greater job satisfaction increase. Employees are encouraged to read these policies and if questions arise, ask a Supervisor, Department Head or the Human Resources Department.

#### **1.2 INTENT OF POLICIES**

This handbook is not a contract of employment. Nothing contained in this manual or in any other statements of City philosophy, including statements made in the course of performance evaluation and wage reviews, should be construed as constituting a contract or an express or implied promise of continuing employment. Employees must understand that no Supervisor, Manager or representative of the City, other than the City Council, or City Administrator as designated by City Council, has the authority to enter into any agreement with an employee for employment for any specified period or to make any written or verbal commitments contrary to the foregoing. The City of Gillette reserves the right to modify its policies and procedures at any time at its discretion, with or without notice.

#### **1.3 SCOPE OF HANDBOOK**

This handbook applies to all City employees with the following exceptions:

1. City Administrator
2. Department Heads (with the exception of Chapter 8, Benefits)
3. Special Personnel (with the exception of Chapter 8, Benefits)
  - a. City Attorney
4. Contract employees

## 1.4 HANDBOOK REVISIONS / INTERPRETATION

The City Council may, at its sole discretion, modify these policies by resolution. The City Administrator shall be charged with interpreting these policies and may deviate from these policies in a civil emergency, in order to achieve the primary mission of serving the City's citizens.

## 1.5 ADMINISTRATION

The administration of these policies shall be the responsibility of the City Administrator or their designee.

## 1.6 DEFINITIONS

1. Administrative Authority: The official or officials with the primary administrative responsibility for a department or unit within the City service as delegated by the City Administrator.
2. Anniversary Date: The date of an employee's most recent hiring or the date of the employee's most recent promotion.
3. Casual Employee: An employee who works on an as-needed basis to meet the City's short term and/or sporadic needs. Must work a designated number of hours per year, as determined by the Department Head, to maintain Casual status. Casual employees are not eligible for participation in City benefits.
4. Classification: The assignment of an individual position to an appropriate class on the basis of the kind, difficulty and responsibility of the work of the position.
5. Compensation Schedule: The array of pay ranges assigned to classifications by the City's Position Classification and Salary Plan.
6. Contract Employee: An employee whose work is performed pursuant to an individual personal services contract approved by an appropriate authority.
7. Controlled Substance: All illicit or un-prescribed drugs as defined by Federal and State Statutes.
8. Demotion: Changing an employee from one position to a position of less responsibility, at a lower pay range based upon performance.
9. Department Head: An employee who is responsible for managing, supervising and directing one or more departments and reports directly to the City Administrator.
10. Disciplinary / Corrective Action: Actions or communications (formal or informal, verbal or written) taken by a Supervisor, Division Head, Department Head or the City toward an employee for the employee's failure in the performance of their duties, for the

employee's conduct or as an attempt to change the employee's behavior or job performance.

11. Dismissal: The separation of an employee from employment initiated by the City.
12. Division Head: An employee responsible for managing, supervising and directing one or more divisions, and reports directly to a Department Head.
13. Emergency Leave: Paid leave as a result of inclement weather/emergency closure of City facilities.
14. Exempt Employee: An employee who is not eligible for overtime pay. The City classifies exempt employees through the guidelines established by the Fair Labor Standards Act.
15. Full-time Employee: An employee who is normally scheduled to work forty (40) hours per week (or in the case of sworn Police Officers eighty (80) hours in a two-week period). Full-time employees are eligible for City benefits as outlined in this Handbook.
16. Grade: One or more positions or jobs sufficiently similar with respect to duties, authority, and responsibilities that:
  - a. The same descriptive titles may be used to designate each position in the grade;
  - b. The same general qualification requirements are needed for performance of the duties of the grade;
  - c. The same aptitude or proficiency tests may be used to select employees; and
  - d. The same schedule of pay can be applied with equity to all positions in the grade under the same or substantially similar working conditions.
17. Grievance: A process used to resolve a complaint by an employee about the application or interpretation of these policies affecting the employee's employment or working conditions.
18. Hiring Manager: The Supervisor, Division Head or Department Head who carries the authority to make the decision regarding an offer of employment.
19. Holiday Work Week: Any work week (pay period for sworn officers) in which a designated City holiday is observed.
20. Immediate Family Member: Spouse, child, parent, step-parent, step-children, grandchild, grandparent, great-grandparent, sibling, step-sibling, foster children or the equivalent relationships by marriage, unless otherwise specified.
21. Layoff: The involuntary separation from employment because of lack of work, lack or reallocation of funds, changes in budgetary priorities, reorganization or other reasons.



22. Non-competitive Promotions: Promotions resulting from an employee acquiring a certification level and/or obtaining a specified level of experience. Such promotions are not advertised as vacancies within the City structure.
23. Non-exempt Employee: An hourly employee eligible for overtime pay.
24. Notification: Adequate advanced notice made to an employee's Supervisor or departmental designee by telephone or other acceptable means, as agreed to by their Supervisor.
25. On-Call: When, as part of their position duties, an employee is paid to be available to perform work after normally scheduled operating hours.
26. Overtime: Non-exempt employees are eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of forty (40) hours per work week or, in the case of sworn Police Officers eighty (80) hours per two-week work period. The City classifies non-exempt employees through the guidelines established by the Fair Labor Standards Act.
27. Part-time Employee: An employee who is normally scheduled to work less than a forty (40) hour work week (or in the case of sworn Police Officers eighty (80) hours in a two-week period). Part-time employees are eligible for participation in City benefits on a pro-rated basis as outlined in this Handbook.
28. Position: A group of duties and responsibilities requiring the employment of one person on a regular or temporary basis. Position is used interchangeably with the term "job" in this Handbook.
29. Position Description: The summary of the primary duties, responsibilities and minimum qualifications assigned to a position.
30. Promotion: Changing an employee from one position to a position of greater responsibility, at a higher pay range based upon performance.
31. Pro-Rated: Pro-rated shall mean the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week. (i.e. employees who work thirty (30) hours a week shall receive seventy-five percent (75%) of holiday pay.)
32. Reclassification: The change of a position from one classification to another classification.
33. Regular Employee: A part-time or full-time employee hired for an indefinite period of time to fill a regularly budgeted position.
34. Resignation: The separation from employment by an employee at the employee's request.

35. Safety Sensitive Position: A position in which the normal or periodic job responsibilities of the employee entail, at some point and to some degree, a higher level of concern for the safety, health and welfare of the employee in that position, his/her coworkers and the public at large. Included are duties where a momentary lapse of attention or judgment could have disastrous consequences (results or risk) to themselves, co-workers or the general public. Positions identified as safety sensitive include:
- Sworn Police Officers
  - Police Communication Specialists
  - Police Property Evidence Handlers
  - Police Communication Technicians
  - Community Service Officers
  - Forklift Operators
  - Any Position Requiring a CDL
36. Social Media: Various online technology tools that enable people to communicate easily via the internet to share information and resources. Social media can include text, audio, blogs, video, images, podcasts, and other multimedia communications.
37. Intern, Temporary or Seasonal Employee: An employee who is hired in a job established for a temporary period or for a specific assignment or group of assignments. Temporary employees are not eligible for participation in City benefits.
38. Transfer: A lateral change of an employee from one position to another position of equivalent responsibility and pay grade with no component related to performance.

## **CHAPTER 2 GENERAL POLICIES AND PRACTICES**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY / UNLAWFUL HARASSMENT**

The City of Gillette is dedicated to the principles of equal employment opportunity. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices are applied without regard to any individual's gender, sexual orientation, race, color, religion, national origin, age, disability, genetic information, military service status or any other characteristic protected by federal, state or local law.

The Genetic Information Non-Discrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting genetic information of employees or their family members. In order to comply with this law, the City is asking that employees not provide any genetic information to Managers, Supervisors or any other City staff.

People with Disabilities. The City of Gillette will make employment decisions without discrimination based on disability. Such decisions may not limit, segregate or classify applicants or employees on the basis of disability in a way that would adversely affect their opportunities or status. Equal employment opportunities must be available to persons physically and mentally qualified to perform the essential functions of a job. Employees who wish to request an accommodation of a physical or mental impairment should contact the Human Resources Director. The Human Resources Director has been designated as the ADA Coordinator to provide information and coordinate compliance with non-discrimination requirements.

Reporting. Any employee who believes they have been subject to discrimination on the basis of one of the characteristics described above, or have been improperly denied an accommodation required under state or federal law, should immediately report the circumstances in the manner described in Handbook Section 2.4 below. All reports will be investigated promptly and as confidentially as possible consistent with the need to conduct a thorough investigation. Appropriate corrective action will be taken for violations of this policy.

The City prohibits retaliation against an employee for making a good faith report of suspected violation of policy or for participating in the investigation of such a report. If an employee perceives retaliation for making a complaint or their participation in the investigation, please follow the complaint procedure outlined below. The situation will be promptly investigated.

### **2.2 HARASSMENT POLICY**

It is the City's policy to foster and maintain a work environment that is free from any harassment. Therefore, the City will not tolerate harassment of any employee based on the employee's gender, sexual orientation, race, color, religion, national origin, age, disability, genetic information, military service status or any other characteristic protected by federal, state or local law. Employees who are the subject of conduct which may violate this policy and employees who observe conduct which may violate this policy should report such conduct

under the procedure described in Handbook Section 2.4 below. All reports or observations of conduct that may violate this policy will be investigated by the Human Resources Director or other appropriate designees. Confidentiality of the report and investigation will be maintained to the greatest degree possible consistent with the need to conduct a thorough and complete investigation.

1. Harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, and which is motivated by an individual's gender, race, color, national origin, religion, disability, military service status or other legally protected characteristic, whether or not the statements or conduct are overtly derogatory toward those protected characteristics. Prohibited behavior may include, but is not limited to, the following:
  - Written form, electronic communications, and social media, such as cartoons, e-mail, text messaging, posters, drawings or photographs.
  - Verbal conduct such as epithets, derogatory comments, slurs or jokes, innuendos or insults.
  - Physical conduct such as unwanted physical contact, threatening behavior, assault, blocking an individual's movements or other negatively-perceived nonverbal conduct.
2. Sexual harassment is another form of discrimination. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:
  - Submission to such conduct is made explicitly or implicitly a term or condition of employment.
  - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
  - Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
3. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy. Such conduct includes, but is not limited to, sexually implicit or explicit communications whether in:
  - Written form and social media, such as, electronic communications, cartoons, posters, calendars, notes, letters, e-mail or text messaging.
  - Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life or repeated unwanted requests for dates.

- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging and brushing up against another's body.

This policy applies to all Senior Leadership, Appointed Employees, Managers, Supervisors, employees, co-workers and non-employees, such as customers, clients, vendors, consultants, members of the public, or any person who interferes with the working environment of our employees. Any harassment by an above non-employee shall be immediately brought to the attention of your Supervisor and/or the Human Resources Department.

This policy can be violated by conduct between two employees with the same protected characteristic, as well as conduct between employees who do not share the same protected characteristic. For example, this policy can be violated by conduct between two employees of the same gender or race, as well as conduct between employees of opposite gender or different races. It is important to recognize that the fact that someone did not intend to harass an individual is no defense to a report of harassment. Regardless of intent, it is the effect and characteristics of the conduct that determine whether the conduct constitutes harassment.

*Retaliation Is Prohibited.* No adverse employment action will be taken for any employee making a good faith report of harassment, or any employee who is a witness or who is otherwise involved in an investigation of a complaint or report. Any retaliatory conduct should be reported through the procedure stated below. Retaliation will be considered a serious violation of this policy and shall be independent of whether a charge or informal complaint or report is unsubstantiated. Encouraging others to retaliate also violates this policy.

Employees who violate this policy shall be subject to discipline, up to and including termination.

### **2.3 ANTI-VIOLENCE POLICY**

The City believes employees should work in an environment without intimidation, threats or violence. Any action which, in the City's opinion, is inappropriate to the workplace will not be tolerated. Such behaviors may include, but are not limited to, physical and/or verbal intimidation, threatening or violent conduct, vandalism, sabotage, arson, use of weapons and/or possessing weapons on the person or in the vehicle (unless in their official City capacity) on any City-owned or leased property.

Employees should immediately report any such occurrences to their Supervisor or to Human Resources. The Human Resources Director will promptly investigate complaints. When employees are found to have engaged in the above conduct, the City will take action which it believes is appropriate.

Employees should directly contact law enforcement, security and/or emergency services if they believe there is an imminent threat to the safety and health of themselves or co-workers.

## **2.4 DISCRIMINATION, HARASSMENT, RETALIATION OR WORKPLACE VIOLENCE REPORTING AND INVESTIGATION PROCEDURE**

Each Supervisor is responsible for creating and preserving an atmosphere free of discrimination, harassment, retaliation or violence. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. The following procedure outlines the steps to follow if an employee believes they have experienced conduct which may violate the Harassment, Discrimination or Anti-Violence policies stated above, including the provisions in those policies prohibiting retaliation.

Step 1. The employee has the option to describe the behavior to the person responsible for the behavior and request that it stop. In the event such informal direct communication is either ineffective or impossible, or the employee is uncomfortable with such an approach, the employee should discuss their concern immediately with their Supervisor, Division Head or with their Department Head. If the employee does not feel that any other reporting option is appropriate, the employee should discuss their concern with the Human Resources Director.

Step 2. Reports received by any Supervisor or any observation by a Supervisor of conduct which may violate these policies, shall immediately be brought to the attention of the Human Resources Director who is responsible for coordinating the investigation of such reports. Supervisors may not promise any employee that a report will remain confidential, or that the Supervisor or the City will not take action in response to a report.

Step 3. The Human Resources Director, or another person designated by the Human Resources Director and City Administrator, shall investigate all reports or observations of conduct which may violate the policies stated above. All such investigations shall be conducted as confidentially as possible recognizing the need to interview witnesses, the employee making the report and the employee accused of misconduct. If an investigation shows the accused employee engaged in conduct which violates City policy, appropriate disciplinary or corrective action shall be taken, up to and including termination of employment.

Step 4. The Human Resources Director shall follow up with employees who make reports or participate in investigations under this procedure to ensure that no retaliatory conduct is occurring, and any reports of retaliatory conduct will be investigated and resolved according to this procedure.

## **2.5 SUBSTANCE ABUSE**

1. Statement of Policy. The City's philosophy on substance abuse has two focuses: (1) a concern for the well-being of the employee and (2) a concern for the safety of other employees and members of the public. Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession (except as required by law enforcement personnel in the performance of their official duties) and use of illegal drugs or alcohol on City property or during work hours by City employees is strictly prohibited. Violation of this policy may result in disciplinary action, including

termination. Performance deficiencies related to the use of illegal drugs or alcohol may also subject employees to disciplinary action under this policy.

2. Employee Training and Awareness. Notification of the Substance Abuse Policy shall be posted in break areas at all City facilities. Employees with questions arising under this policy may contact the Human Resources Director. Also, the Human Resources Department can provide employees with educational materials regarding drug and alcohol use, treatment and rehabilitation and can assist employees in contacting the City's employee assistance program. The cost of treatment for drug or alcohol addiction may be covered under the City's employee benefit plans and employees may be eligible for paid or unpaid time off for the purposes of obtaining such treatment.
3. Illegal Drugs. As used in this policy, the term "illegal drugs" means a controlled substance included in Schedule I or II, as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title or the Wyoming Controlled Substances Act, Wyoming Statutes Sections 35-7-1001 through 35-7-1060. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law, however, it does include: (1) any drug which is legally obtainable but has not been legally obtained by the employee; (2) any prescribed drug not legally obtained by the employee; and (3) any prescribed drug not being used for the prescribed purpose or not being used at the prescribed dosage. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), inhalants, and so-called designer drugs and look-alike drugs.
4. Drug Screening – All Employees. The City conducts drug screening of employees and applicants under three circumstances: (1) after an offer of employment has been made for all successful applicants for safety-sensitive positions and for all applicants who sign a drug screen consent form; (2) upon reasonable belief; and, (3) following an accident on City property, during City working hours or while operating a City vehicle or equipment as defined in Section 2.5.7.
5. Post-Offer, Pre-Employment Testing. All successful applicants will be asked to sign a written consent to pre-employment drug screening as part of the City's Drug Free Workplace Policy. Applicants who give consent will be subject to a drug screen before beginning employment.

If a post-offer, pre-employment drug screen is positive, the offer of employment shall be immediately rescinded, or, if the applicant has begun employment, the applicant's employment shall be immediately terminated. The applicant will have five business days to contest a positive drug screen. The applicant will be disqualified from consideration for City employment for a minimum of twelve (12) months if the positive drug screen is validated.

6. Reasonable Belief Screening. The City will conduct drug or alcohol screens when a City Supervisor or Manager has a reasonable belief that an employee is under the influence of illegal drugs or alcohol. For the purpose of this policy, "reasonable belief" means a belief based on objective facts sufficient to lead a prudent person to conclude

that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but not be limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices, slurred speech, the odor of alcohol, problems with physical balance or other erratic conduct indicative of impairment may be examples of "reasonable belief" situations.

7. Post-Accident Screening. The City will conduct drug and alcohol screens for all employees involved in an accident while in the line of duty, when one of the following circumstances exists:
- a. If the accident involved loss of human life;
  - b. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene or the accident;
  - c. If the driver received a citation under State or local law for a moving traffic violation; or
  - d. One or more motor vehicles incurring disabling damages as result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  - e. City equipment or property is damaged.

All exceptions must be authorized by the immediate Supervisor in consultation and agreement with the Safety Manager, or his/her designee at the time of accident.

8. Substance Abuse Policy for Operators of Commercial Motor Vehicles and Safety Sensitive Positions. City employees who hold Commercial Driver's Licenses ("CDLs") and who operate commercial motor vehicles while employed by the City are subject to additional rules and regulations imposed by the federal government. Employees who work in a position classified as safety sensitive will also be subject to these rules. These regulations require urine drug testing and alcohol breath testing in the following circumstances:
- a. Pre-employment (only drug testing);
  - b. Reasonable suspicion;
  - c. Post-accident;
  - d. Return to duty testing;
  - e. Random testing.

CDL holders who test positive shall be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the City's CDL policy for the additional details concerning these rules.

9. When Job Performance is Affected. The City may take disciplinary action when an employee's job performance is impaired because they are under the influence of drugs or alcohol on the job. The City may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances.



If an employee is taking a prescribed medication that may impair their ability to perform job functions safely and efficiently, the employee is required to provide their Supervisor prior notice of such use, and may be requested to obtain documentation from their physician confirming their ability to safely and efficiently perform the functions of their position while taking the prescribed medication. An employee who is unable to perform their position safely and efficiently due to a prescribed medication may be entitled to paid or unpaid leave under other City policies.

10. Refusal to Cooperate With Screening Process. Any employee who refuses to consent to drug or alcohol testing as required under this policy, tampers with a sample, or otherwise violates this policy may be placed on leave with or without pay until an appropriate corrective action is determined, provided, however, that refusal to consent to testing is considered grounds for termination of employment.
11. Testing Procedures. Urinalysis shall be used for drug testing and evidential breath testing device shall be used to test for alcohol. All tests shall be administered under approved conditions and procedures. Initial testing will be conducted by a City appointed medical laboratory and paid for by the City. Sample collection and testing will be performed under reasonable and sanitary conditions.

Drug and alcohol tests will normally be scheduled during, or immediately before or after, the employee's regular work time. Testing under this policy is considered work time and will be compensated at the employee's normal rate of pay.

Sample collection will be performed in a manner that ensures the individual employee's privacy to the extent consistent with ensuring that the sample is not contaminated, adulterated or misidentified.

12. Positive Test Results. The City will not rely on a positive drug test unless the confirming drug test results have been reviewed by a Medical Review Officer (MRO) designated by the City. The MRO shall be a licensed physician or doctor of osteopathy. The MRO shall review all confirmed positive drug results and interview individuals tested positive to verify the laboratory report. The MRO shall contact the employee within 48 hours of receiving the test results and offer an opportunity to discuss the confirmed test result. The MRO will inform the employee that he or she has 72 hours to request a retest of the sample. A retest is an analysis of an aliquot of the original sample. The retest will be performed by a laboratory approved or certified by the Substance Abuse and Mental Health Services Administration or of the employee's choice. The employee will be responsible for the cost of the retest and will be reimbursed by the City only if the sample comes back negative. If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO shall report the test as negative. Tests results that have been caused by legitimate use of prescription medication will be reported as negative.
13. Disciplinary Action. Any employee, who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on City property, during working hours, or while on City business will be discharged. Any employee who is found to be in possession of or under the influence of alcohol in violation of this policy will be subject to discipline up to

and including discharge. Any employee who is found to be in possession of drug-related contraband in violation of this policy will be subject to discipline up to and including termination. Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or of alcohol will be subject to discipline up to and including termination.

14. Availability of Rehabilitation or Treatment. As part of the City's Employee Assistance Program (EAP), employees who are concerned about their alcohol or drug use are encouraged to seek counseling, treatment and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the City's benefits program.

Employees desiring assistance or access to the City's Employee Assistance Program should contact the Human Resources Department for more information. In recognition of the sensitive nature of these matters, all discussions will be kept confidential.

Employees, who seek advice or treatment for substance abuse problems, prior to it affecting job performance, will not be subject to disciplinary action. However, the City reserves the right to proceed with disciplinary action based on conduct or events occurring prior to the employee's notification of the City that the employee has sought substance abuse treatment.

15. Due to recent legislation in neighboring states, the City finds it necessary to address the issue of marijuana with specificity. Marijuana is a Schedule I controlled substance under Federal Law. Federal law applies everywhere within the United States, including those states that permit recreational or medical use of marijuana under state law. The City of Gillette has not changed its zero-tolerance policy with regard to the use or possession of illegal drugs. Consequently, any drug test demonstrating a measurable amount of marijuana is considered a violation of the City's drug-testing policies, and is subject to discipline, up to and including termination.

Those employees who maintain a CDL are reminded that the United States Department of Transportation has addressed this issue as well. In a December 3, 2012 letter ruling the U.S. Secretary of Transportation stated: "It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations to use marijuana." This language is absolute and does not rely on whether the use is legal under any particular state law. Any City employee who maintains a CDL and uses marijuana is subject to discipline, up to and including termination.

The effects of alcohol use are well known and established. The human body processes alcohol at a relatively constant rate. This is not the case with recreational or medical marijuana. The potency, purity, pollutants, and toxins contained within the various types of recreational or medical marijuana provide no established time frame in which the drug may be expected to have left the body. It

is possible to obtain a drug test result with a measurable amount of marijuana more than thirty (30) days after it was first ingested.

Finally, it should be noted that any individual state law that authorizes the medical or recreational use of marijuana is still in violation of Federal law. Further, those laws are designed to prohibit criminal prosecution of individuals engaged in this behavior. Nothing contained in any State or Federal law prohibits the City from establishing or regulating the City's zero-tolerance policy, or the City's authority to regulate its employees or employment decisions for the safety of its employees, co-workers and the public.

## **2.6 EMPLOYEE PERSONNEL RECORDS**

1. The official personnel file for each employee is maintained by and in the Human Resources Department.
2. Employees have the right to review their employment personnel file in the Human Resources office upon request. An employee may request removal of irrelevant or erroneous information in their personnel file. If the City denies the employee's request to remove the information, employees may file a written rebuttal statement to be placed in their file.
3. Access to employment personnel files is restricted. The employee's Supervisor, Division Head and Department Head and Supervisors considering an internal application from the employee, the City's Attorneys, the City Administrator and Human Resources personnel or designees shall have access to review the employee's employment portion of the personnel file.

## **2.7 EMPLOYMENT REFERENCES AND VERIFICATIONS**

Only the Human Resources Department shall be authorized to provide employment references on current or former City employees, except that the Chief of Police or their designee shall have the authority to provide employment references for current or former Police Department employees. Employees shall refer requests for references to the Human Resources Department. References shall be limited to verification of employment dates and salary, unless the employee has completed a detailed written waiver and release.

## **CHAPTER 3 EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **3.1 GENERAL CODE OF CONDUCT**

All City employees are expected to represent the City to the public in a professional, courteous, efficient and helpful manner. Employees shall maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and Department Head.

Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. The foundation of these standards is identified in the SERVICE WITH PRIDE values. Among the City's expectations are: basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from Supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

In order to function efficiently or to meet service demands, employees may be asked to perform related duties that are outside their regular assignments. The City will make every effort to minimize such circumstances.

To make the most efficient use of personnel, the City also reserves the right to change work conditions and assigned duties.

### **3.2 RISK MANAGEMENT AND SAFETY**

1. Every employee is responsible for protecting City property from loss or damage, maintaining a safe work environment and following the City's Loss Control and Safety Manual. Each employee shall promptly report all unsafe or potentially hazardous conditions to their Supervisor, Division Head, Department Head or the Safety Manager. The City will strive to address safety concerns as quickly as possible.

Additional information regarding City Risk Management and Safety Policies and Procedures is contained in the related Administrative Policies and Procedures 3.1 – 3.7, available on the City's Intranet.

2. Reporting of Incidents. All incidents involving injury or property damage are to be reported immediately to the employee's Supervisor, who shall contact the Safety Manager. The Supervisor is responsible for contacting their Department Head, who may notify the City Administrator when appropriate. The Incident Report form, available on the City's Intranet, must be completed and submitted to the Supervisor prior to the end of the employees shift.

Additional information regarding Incident Reporting procedures is contained in the related Administrative Policies and Procedures 3.2, available on the City's Intranet.

3. Employees are expected to familiarize themselves with the City's Loss Control and Safety Manual and to follow it at all times. The Manual is provided to all new employees during their orientation and an "Acknowledgment of Receipt," is required. The Manual is also available on the City's Intranet. Failure to comply with this program may result in disciplinary action up to and including termination.
4. The City of Gillette is to be protected against accidental loss or losses which affect personnel, property, assets or the ability of the City to continue to fulfill its responsibility to taxpayers and the public.
5. Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees shall not bring nor possess dangerous weapons (i.e. firearms, live ammunition, switch-blades, a pocket knife exceeding 8" when opened, explosives, brass knuckles) on any City-owned or leased property. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this involves law enforcement positions for which the job requires possession of dangerous weapons.

### **3.3 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

1. Outside Employment. City of Gillette employment shall be the principal vocation of regular full-time and trial service employees, but an employee may engage in outside employment subject to the following conditions:
  - a. It does not interfere with efficient job performance;
  - b. It does not conflict with the interests of the City of Gillette;
  - c. It is not a type of employment which would reasonably give rise to criticism or suspicion of conflicting interests or duties;
  - d. It does not exceed twenty (20) hours of employment in any given calendar week.
2. Approval of Outside Employment. No employee may engage in outside employment without first submitting a Request for Outside Employment Form available on the City's Intranet, to the Department Head for approval. Such approval shall not unreasonably be withheld. The Department Head shall provide the employee a decision in writing on their request for outside employment. If approval is not given, then the Department Head shall notify the employee in writing of the reasons for denial.

The Human Resources Department shall be notified of all approvals/denials and documentation regarding the same shall be placed in the affected employee's personnel file.

### 3.4 POLITICAL ACTIVITIES

1. Political Participation. All employees have the right as citizens to participate on their own time in the constitutional and political processes, provided that participation does not interfere in the fair and efficient discharge of their duties.
2. Limitations on Political Activity. No employee shall, while employed by the City, actively campaign to elect or re-elect a candidate for the office of Mayor or City Council.

As Public employees, City employees are limited from actively engaging in the political process by such things as the wearing and/or display of campaign material of any kind on any City-owned or leased building, equipment, vehicles or City property (including parking lots), display of political campaign signs for Mayor or City Council in individually owned or leased employee yards, use of City equipment, office space or materials to support a particular campaign, or participating in any form of campaigning during their work hours.

We encourage all employees to participate in the political process and to exercise their legal right to vote on Election Day. Employees are reminded that, at a time specified by their immediate Supervisor, all full-time employees voting in any primary, general or special election will be granted up to one (1) hour of paid leave to vote. Upon approval of the Department Head, employees may be allowed additional paid time for voting when distance to polling site or road conditions prevent employees from traveling safely to and from voting sites in one hour.

As used in this section, the term “employee” includes only those persons receiving an hourly wage or salary from the City. A person who provides volunteer services to the City shall not be considered an “employee” under this section.

3. City employees are prohibited from seeking or running for the office of Mayor or City Council unless they have first requested and have been granted a leave of absence without pay to extend throughout the period of the campaign. The employee may utilize annual leave time during the leave for such purposes.
4. If a City employee is elected or appointed to the office of Mayor or City Council, the employee shall be required to terminate their employment with the City.
5. No City equipment, office space or materials shall be used to support a campaign for Mayor, City Council or any partisan or non-partisan political office.
6. City employees wishing to seek a partisan or non-partisan political office may do so, provided that campaigning is on their own time or approved leave time and the political office will not, in any way, interfere in the fair and efficient discharge of their City duties. Prior to a City employee filing, or publicly announcing their intention to seek a partisan or non-partisan political office, they shall notify the City Administrator of their intention to seek a political office.

7. Please contact your Supervisor or the Human Resources Department with any questions regarding the above.

### **3.5 SMOKING / TOBACCO POLICY**

For health and safety considerations, the City prohibits smoking, including E-cigarettes, etc., in all City facilities, including City-owned buildings, property, vehicles, offices or other facilities rented or leased by the City - other than areas designated for smoking. The use of other tobacco products is also prohibited if it is perceived as being inappropriate or unprofessional while in the performance of the employee's job, in meetings, presentations and/or when working with any City employee, contractor or the public.

Chewing tobacco and snuff, while not recognized as a health hazard to surrounding employees, is recognized as a health hazard to the user. At the Supervisor's discretion, it will not be allowed if its use interferes with the professional appearances of our employees. Its use will not be allowed if it requires any other individual to come into contact with the expectorant while performing their assigned duties, including our valued custodial staff. Its use will not be allowed if the expectorant can be seen in any form by other employees, citizens or individuals.

Further, employees who choose to engage in the use of chewing tobacco or snuff shall discard such (including dumping their own trash can) into the proper container(s) and not allow such to fall on jointly used trash cans, restroom facilities, benches, floors, steps or ground areas.

Supervisors shall monitor their work areas and enforce these rules on a case by case basis to ensure no one could perceive this practice as counterproductive to our overall commitment of professionalism found in our Core Values.

### **3.6 CONFIDENTIALITY**

Except for information deemed to be public under federal and state law, information about City of Gillette employees, customers, suppliers, and vendors is to be kept confidential and divulged to individuals within the City with both a need to receive and authorization to receive the information. Information regarding City employees and clients will be handled as determined by federal, state, local, City, and departmental regulations. If in doubt as to whether information should be divulged, err in favor of not divulging information and discuss the situation with your Supervisor. All requests for information on current or previous City employees must be referred to the Human Resources Department.

All personnel records and files maintained by the City are confidential and remain the property of the City. Records and files are not to be disclosed to any outside party without the express permission of the Director of Human Resources. Confidential information includes, but is in no way limited to: personnel and payroll records regarding current and former employees; the identity of, contact information for, and any other account information on customers, vendors, and suppliers; and any other documents or information regarding the City's operations, procedures, or practices. Confidential information may not be removed from City property without express authorization.

Any employee for the purpose of furthering current or future outside employment or activities or for obtaining personal gain and/or profit may not use confidential information obtained during or through employment with the City. The City reserves the right to avail itself of all legal or equitable remedies to prevent impermissible use of confidential information or to recover damages incurred as a result of the impermissible use of confidential information.

Employees may be required to enter into written confidentiality agreements confirming their understanding of the City's confidentiality policies.

### **3.7 PERSONAL POSSESSIONS**

The City furnishes desks, closets and/or lockers for storage of employee coats, purses and other personal possessions. The City does not, however, assume responsibility for any theft or damage to the personal belongings of employees, and it reserves the right to search employee desks, lockers and files belonging to the City. The City shall make a reasonable effort to have the employee present at the time of such search. Nevertheless, employees should not have any expectation of privacy in desks, closets, lockers or other furniture or storage areas located on City property or provided by the City.

### **3.8 ELECTRONIC DEVICES**

The City provides a variety of electronic devices for business use. New employees receive the IT guidelines at the time of hire and are expected to understand and follow them. A copy of the guidelines related to devices such as telephones, computer access, personal electronic devices and internet use can be found in the Administrative Policies and Procedure 4.0, available on the City's Intranet. The use of electronic devices for work related reasons by non-exempt employees is considered hours worked and must be reflected on the employee's payroll timesheet. Employees are not required, not asked and not expected to check email or text messages about work related matters outside of work hours.

Additional information regarding Information Wireless Communication Devices and Technology Acceptable Use Policy is contained in the related Administrative Policies and Procedures 1.3 and 4.0, respectively, available on the City's Intranet.

### **3.9 CONTACT WITH THE NEWS MEDIA**

An informed public is essential to the healthy functioning of democracy. The news media keeps the public informed of government activities and frequently shapes public opinion. The City of Gillette will work with the news media to provide accurate information on City of Gillette operations to foster a relationship of mutual trust, cooperation, and respect with the members of our community.

The City Administrator, Department Heads and Communications Manager shall be responsible for all official contacts and interviews by the news media, and this group may designate specific employees to provide procedural, factual or historical information on particular subjects.



There will be times, during working hours, when an employee may have contact with the news media, such as a news photographer or videographer taking pictures or video out in the field, or a reporter performing a fact-checking phone call inquiry. City employees should always be courteous to the media and comply with their basic requests, including providing your name, title and the information requested. If the employee feels the reporter's request is going beyond a basic information request, the employee should refer the reporter to their Department Head or the Communications Manager.

After the contact, the employee, via telephone or email, should let their Supervisor and the Communications Manager know about the contact with the media. This should go a long way towards fostering a good relationship with the news media.

### **3.10 USE OF CITY VEHICLES**

The use of City vehicles is outlined in Administrative Policy and Procedure 3.7 available on the City's Intranet.

### **3.11 EMPLOYEE DRESS AND PERSONAL APPEARANCE**

Employees are expected to report to work clean, and dressed according to the requirements of your position and departmental policies, if applicable. Some employees may be required to wear uniforms and/or safety equipment/clothing. Please contact your Supervisor for specific information regarding acceptable attire for your position. If you report to work dressed inappropriately, you may be prevented from working until you return to work wearing the proper attire.

## **CHAPTER 4 RECRUITING AND HIRING**

### **4.1 RECRUITING**

City recruiting practices shall be conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, disability, age or any other characteristic protected by state or local law.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application form.

Any employee who has been found to have submitted false or misleading information on their application form or resume is subject to immediate termination.

Additional information regarding recruitment and promotion is contained in the related Administrative Policies and Procedure 8.2.2 available on the City's Intranet.

### **4.2 INTERNAL POSTINGS**

1. When a position becomes vacant, Human Resources will normally post within the City for five working days, however, the Hiring Manager may request to advertise the position simultaneously internally and externally.
2. The City encourages promotion from within the organization whenever possible. All openings shall be posted so that employees may become aware of opportunities and apply for positions in which they are interested and for which they are qualified.

### **4.3 HIRING MANAGER**

Department Heads, or designated Supervisors, shall be the Hiring Managers for filling vacancies within their department, subject to the approval of the City Administrator.

### **4.4 TEMPORARY EMPLOYEES**

1. Department Heads may use temporary employees to replace regular employees who are on annual leave or other leave, to meet peak workload needs, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.
2. Temporary employees are eligible to apply for vacant positions that are advertised internally. Individuals employed through temporary employment agencies are not eligible to apply for internally advertised positions.
3. Compensation/Benefits. Temporary employees shall not receive retirement, annual leave, sick leave, health insurance or any other benefits during their employment.

Temporary employees may be paid holiday pay as long as they meet the established requirements set forth for Full Time Employees.

#### 4.5 TRIAL SERVICE PERIOD

1. Upon hire or appointment, all employees shall serve a Trial Service Period that is considered an integral part of the selection and evaluation process. The Trial Service Period is designed to give the employee time to learn the job and to give the Supervisor time to evaluate whether the match between the employee and the job is appropriate.
2. The normal Trial Service Period is six (6) months from the employee's date of hire, rehire or promotion; except for police officers whose initial Trial Service Period is twelve (12) months. The City Administrator may authorize the Department Head to extend the Trial Service Period for up to an additional six (6) months. Such an extension may be granted for an employee due to an extended absence or a continued need to evaluate the employee's performance.
3. Prior to completion of the Trial Service Period (with the exception of employees who have previously completed a Trial Service Period with the City and who are serving another Trial Service Period due to a promotion) employees are not eligible to use the provisions of Chapter 11 – Grievance Procedures.
4. Satisfactory completion of the Trial Service Period does not create an employment contract or guarantee employment with the City for a specified duration. **All employees are at-will employees and the completion of the Trial Service Period does not modify the at-will status.**
5. Use of Sick Leave / Annual Leave / Personal Day / Compensatory Time During Trial Service Period. Trial service employees may use their accrued sick leave and compensatory time from the beginning of their employment, but may not use annual leave or their Personal Day until they have successfully completed their initial Trial Service Period, or at least six months of their Trial Service Period if a Police Officer. This shall not apply to employees who are serving a Trial Service Period as a result of a promotion or transfer.
6. Since annual leave does not accrue until completion of the Trial Service Period, or until after six (6) months for sworn officers, no payment for annual leave will occur if an employee terminates prior to completion of the Trial Service Period.
7. After completion of a required Trial Service Period, an employee may be eligible for a salary increase pursuant to the City's policies and Compensation Schedule. Police Officers may be eligible for a salary increase after completion of their twelve-month Trial Service Period pursuant to the City's policies and Compensation Schedule.

#### 4.6. EMPLOYMENT OF RELATIVES (NEPOTISM)

In recognition of the inherent impact on employee discipline and morale, potential for discrimination, and to ensure, to every extent possible, the equal treatment of all City

employees, the following policy shall apply concerning the employment of related persons within City departments, agencies, and/or activities for whom wages are paid using City funds.

A member of an employee's immediate family may be considered for employment by a City department if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:

- a. Create either a direct or indirect Supervisor/subordinate relationship with a family member; or
- b. Create either an actual conflict of interest or the appearance of a conflict of interest.

The above criteria will also be considered when assigning, transferring, or promoting an employee. For the purpose of this policy, "immediate family" includes: employee's spouse, whether divorced, separated or living together, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and any other member of the employee's household.

When a situation occurs which results in a violation of this policy (whether because of the marriage of two employees or some other circumstance), one of the employees involved will be required to apply for transfer to another eligible position within the City, resign or otherwise be discharged. Employees will be permitted to determine which of them will resign and will be required to inform the City Human Resources Department of their decision within thirty (30) days after the violation begins. If the employees cannot make a decision, the City will decide in its sole discretion, which employee will remain employed. Further, there is no guarantee of future employment if found in violation of this policy (i.e., may not be able to transfer to another department).

The intentional withholding of information regarding relationships identified in this policy may result in the immediate termination of the individual(s) involved.

## **CHAPTER 5 HOURS AND ATTENDANCE**

### **5.1 WORK WEEK**

1. With the exception of sworn Police Officers, the regular work week shall consist of seven consecutive twenty-four hour days beginning Sunday at 12:01 a.m. and ending at midnight on Saturday.
2. Pursuant to the Fair Labor Standards Act (FLSA), the work period for Police Officers shall begin and end with each pay period. Each work period shall consist of fourteen consecutive twenty-four hour days.

### **5.2 OVERTIME**

1. Pursuant to the Fair Labor Standards Act (FLSA), overtime shall be paid for any time worked in excess of forty (40) hours per work week. For sworn Police Officers, overtime shall be paid for any work in excess of eighty (80) hours per work period, as defined in Subsection (5.1) of this Section.
2. Overtime shall be limited insofar as possible, and shall be approved in advance by an employee's Supervisor.
3. Annual leave, sick leave, an employee's personal day, holiday, bereavement, compensatory time taken and other non-worked time shall not be considered time worked for the purpose of computing overtime.
4. For those employees called back to work after their normal shift to deal with restoration of City provided services or public safety during a holiday work week (pay period for sworn officers), the called back hours worked will be paid at the rate of one and one-half times their regular rate of pay.

### **5.3 COMPENSATORY TIME**

1. Non-exempt employees may receive compensatory time off in lieu of applicable overtime pay, at a rate of one and one-half hours for each hour of applicable overtime worked, provided the employee and their Supervisor agree to this form of compensation prior to the performance of the work. Supervisors are required to document the number of hours of compensatory time earned or used in each work week, and to ensure that the use of compensatory time is correctly recorded on employee's time records.

The maximum accrual of compensatory time for all employees shall not exceed forty (40) hours.

Employees shall be permitted to use accrued compensatory time within a reasonable period after making the request if the requested time off does not unduly disrupt the Department's operations.

Interns / Temporary / Seasonal workers are not eligible for benefit time, therefore, not eligible to accrue compensatory time and must be paid for all hours worked.

2. Compensatory time off may not be used in the same work week in which compensatory time is accrued or in the same work period for Police Officers.
3. Upon the approval of the Supervisor, full-time regular employees may use “flextime off” in lieu of accruing compensatory time if the employee works in excess of their regular hours on a single work day. Flextime off will be an hour-for-hour time off taken within the same work week as the hours were earned so as to keep their total hours worked for the week within forty (40) hours or an eighty (80) hour work period for Police Officers.

#### **5.4 ON-CALL STATUS**

1. When non-exempt employees are required to be on-call, they shall be compensated one hour of pay at their regular pay rate for each twenty-four hour period they are on-call. The on-call period is from 7:00 a.m. through 6:59 a.m.
2. If an employee is on-call on a holiday, they shall be compensated two (2) hours of pay at their regular pay rate for each twenty-four hour period they are on-call.
3. If the employee is called out while on-call, they shall receive the one hour on-call pay at their regular pay rate and their regular pay for each hour actually worked as a result of the call out.
4. If an on-call employee is called out, but cannot respond for any reason, and another employee has to be called out, then the on-call employee shall not receive on-call pay and the employee called out shall receive the on-call pay.
5. Employees who notify their Supervisor that they will be unable to perform their on-call duty are not eligible for the one hour on-call pay for the respective day. Replacement of the on-call duty employee is subject to the discretion of their Supervisor.
6. Special Circumstances:
  - a. “On-Call” Snow Plow Operators. In order to address an around-the-clock need for snow removal during winter months, additional employees may be scheduled to provide back-up for the regular “on-call” Streets Division employee(s) as needed. As compensation, these back-up employees shall receive one hour of pay at their regular hourly rate for each day they are scheduled to be on call for snow removal. This compensation does not apply to those employees who are assigned regular “on-call” under Section 5.4(1).
  - b. Employees who are called in to work after hours and who are not “on-call” shall be paid for the hours actually worked, but shall receive no less than one hour of pay.

## **5.5 ATTENDANCE**

1. An employee who is unable to report to work on time shall notify their Supervisor or departmental designee by telephone or other acceptable means, as agreed to by their Supervisor, at least thirty (30) minutes prior to the start of their scheduled time to report to work.
2. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees will make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. City Administration will normally notify employees of emergency closures via City email system, or other designated means.

Additional information regarding Unusual Weather Conditions is contained in the related Administrative Policies and Procedure 8.2.3 available on the City's Intranet.

3. Unless the City Administration announces an emergency closure applicable to an employee's position, an employee who is unable to report to work or leaves work early because of unusual weather conditions shall be required to charge the time off from work to their annual leave, personal day, compensatory time or leave without pay. The employee shall advise their Supervisor of their intent to be absent (or late) by phone.

## **5.6 BREAKS AND MEAL PERIODS**

1. Although the Fair Labor Standards Act does not require employers to provide breaks, full-time employees may be allowed a fifteen minute discretionary break every four hours. All breaks shall be approved by the immediate Supervisor so that they do not interfere with City business or service to the public.
2. Meal periods shall be at least thirty minutes in length and shall be unpaid unless the employee is required by their Supervisor to work during the meal period. Discretionary breaks shall not be used as meal periods. Police Officers and other designated positions are excluded from Section 5.6.2.

## **5.7 UNUSUAL WEATHER CONDITIONS**

Additional information regarding unusual weather conditions and their effect on employee status is contained in the related Administrative Policies and Procedure 8.2.3 available on the City's Intranet.

## **CHAPTER 6 COMPENSATION**

### **6.1 SALARY CLASSIFICATION AND PAY RANGES**

Each job title within the City shall be classified by the Human Resources Director and approved by the City Administrator into one of the City's classifications for salary purposes. Each class shall be assigned to a particular salary or salary range within the City's Compensation Schedule, which shall be approved annually by the City Council.

The City Council shall review and adopt an annual Compensation Plan. The current Compensation Plan shall be available for review on the City's Intranet.

### **6.2 PAY RATES / PROMOTIONS / DEMOTIONS**

Additional information regarding pay rates, promotion and demotion is contained in the related Administrative Policies and Procedure 8.1.1.

### **6.3 TRAVEL AWAY FROM CITY**

Additional information regarding travel away from the City is contained in the related Administrative Policies and Procedure 8.1.2.

### **6.4 WORK ON A HOLIDAY**

Additional information regarding work on a holiday is contained in the related Administrative Policies and Procedure 8.1.3.

### **6.5 PAYDAYS**

The City pays employees bi-weekly on Fridays. If a holiday falls on a payday, employees will be paid on the preceding work day.

### **6.6 COMPENSATION UPON SEPARATION**

1. When an employee's employment with the City is terminated, the employee shall receive the following compensation by the next regularly scheduled payday.
  - a. Regular wages which have not already been paid for all hours worked up to the time of termination.
  - b. Any overtime or holiday pays due.
  - c. Payment of any accrued, unused annual leave and compensatory time.
  - d. Payment to any eligible employee under Section 9.5 for any accrued, unused sick leave under that section.



- e. Payment for any other accrued, unused sick leave will not be made.
2. Upon separation, if an employee has not returned City-owned or leased equipment or property issued to them, the value of said equipment or property and/or reimbursement shall be deducted from their final compensation.

## **CHAPTER 7 PERFORMANCE EVALUATIONS AND TRAINING**

### **7.1 PERFORMANCE EVALUATIONS**

The City Administrator is responsible for the development and administration of the City's performance evaluation program.

The City believes evaluations should recognize each employee's performance, determine future development and training needs and improve communications with the Supervisor.

The evaluation shall be part of an employee's personnel record and shall be a factor in determining wage increases, for promotions, transfers, demotions, lay-offs, terminations or a temporary employee's conversion to regular status.

### **7.2 PERFORMANCE PAY INCREASES**

1. On an annual basis the City Council shall determine the amount of funding available for merit pay increases, if appropriate, and approve a plan for its distribution. The annual Compensation Plan will be maintained by Human Resources and published on the City's Intranet.
2. All salary increases other than those received for promotions or as provided for by the City's Salary Administration Policy, shall be based upon the employee's performance evaluation. An employee shall be eligible for a salary adjustment upon receiving at least a satisfactory performance evaluation, depending upon that approved annually by the City Council. An employee who fails to achieve at least a satisfactory rating (2.0) on their performance evaluation shall not be eligible for a merit pay increase, shall be placed on a performance improvement plan for continued employment or separated from employment with the City. Employees who have more than thirty (30) consecutive days of absence from work may have their performance evaluation date delayed for an equal number of consecutive days. Any pay increases the employee may be eligible for will be delayed the same number of days.

### **7.3 FREQUENCY OF EVALUATIONS**

1. All full-time and part-time employees shall normally receive an annual formal performance evaluation in April of each year on forms approved by the Human Resources Department. Department Heads may direct additional evaluations for employees at a three (3) or six (6) month period based upon unsatisfactory performance, promotions or changes in job assignments. Any employee receiving an overall rating of "Below Expectations" (less than 2.0), shall have his/her performance reviewed within six (6) months.
2. All Trial Service Period employees (except sworn police officers) shall receive a performance evaluation after three (3) and six (6) months of employment.

3. At the beginning of each review period, employees shall have an opportunity to participate in the establishment of their goals and evaluation criteria for the review period.
4. Employees transferred, promoted or reclassified to a new classification shall complete a new six month Trial Service or for a period specified based on a determination between the Department Head and the Human Resources Director.

#### **7.4 APPEALS OF EVALUATIONS**

1. Employees have the option to submit a written response to their Supervisor on the performance evaluation, which shall be attached to the formal evaluation and placed in the employee's official personnel file, which is maintained in the Human Resources Department.
2. All performance evaluations shall be reviewed by the Department Head, and the Human Resources Director, and shall be subject to final approval by the City Administrator.

#### **7.5 TRAINING POLICY**

1. The City shall, within the limits of available resources, seek to offer training to increase an employee's skills, knowledge and abilities directly related to City employment to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but shall not be limited to: on-the-job training, in-house workshops and seminars sponsored by other agencies and organizations.
2. Employees shall submit written training requests to their Supervisors for review and approval in advance of registration. The cost of training, testing, or re-certifications that are an essential requirement for a position and which have been approved in advance shall be borne by the City, provided that the employee obtains the minimum grade standards established by their Department for reimbursements of these costs. Reimbursement of costs may be denied when an employee fails a course or certification exam.
3. The City offers a Tuition Reimbursement Program to employees seeking higher education or continuing education credits. The Administrative Policy and Procedure for tuition reimbursement can be found on the City's Intranet.

## CHAPTER 8 BENEFITS

### 8.1 HEALTH INSURANCE BENEFITS

The City currently provides group health insurance benefits for its employees. Regular full-time and part-time employees, who are working at least twenty (20) hours per week and their dependents, shall be eligible to participate in the City's various insurance programs beginning on their date of hire. The City shall contribute toward the cost of premiums in the amounts authorized by the City Council and the remainder of the premiums, if any, shall be paid by the employee through payroll deduction. (Benefits for part-time employees are pro-rated.)

A schedule for pro-rated premiums can be found in the Administrative Policies and Procedures available on the City's Intranet.

The City reserves the right to make changes to these programs when deemed necessary or advisable.

### 8.2 RETIREMENT BENEFITS

#### 1. Wyoming State Retirement Program.

- a. Coverage. All regular, full-time employees are covered under the Wyoming State Retirement Program. Regular part-time employees may be covered by the Retirement Program as described below. Temporary or seasonal employees are not covered under the Retirement Program unless employed by the City for six consistent and consecutive months or more.
- b. Contributions. The City of Gillette currently makes monthly contributions to the Wyoming State Retirement Program for all eligible employees based upon the minimum employer percentage contributions established by the State and the contribution levels approved by the City Council.
- c. Payment Upon Termination. Upon termination, the employee may obtain the appropriate forms from the Wyoming Retirement System or the Human Resources Department.

#### 2. Retiree Health Benefits.

The City adopted the City of Gillette Retiree Health Plan and Trust ("Retiree Health Plan") to provide retiree health benefits for all employees in active service on July 1, 2003 and all former employees who had retired from service with the City prior to July 1, 2003. The City provides no retiree health benefits other than benefits provided under the Retiree Health Plan. To the extent of a conflict between the terms of this Employee Handbook and the Retiree Health Plan, the terms of the Retiree Health Plan shall control.

### 8.3 WORKERS' COMPENSATION

1. All employees are covered by the Wyoming State Workers' Compensation Program. This insurance covers employees in case of on-the-job related injuries or job-related illnesses. All job-related illnesses or accidents, no matter how small, shall be reported immediately to the Supervisor and the appropriate paperwork completed. The Supervisor shall be responsible to contact the Safety Manager immediately. Employees unable to work during this time period due to injury or illness will be placed on Family and Medical Leave pursuant to Chapter 9, if eligible.
2. If the employee is determined eligible for temporary disability, and their attending physician determines the employee is temporarily unable to perform the essential functions of their position, the City will continue to pay the employee's regular salary for a maximum of one hundred sixty (160) injury hours, pending the employee's release to return to full duty work.
3. If an employee who is receiving Workers' Compensation benefits is determined by their physician to be unable to return to their regular position after one hundred sixty (160) hours of paid injury leave, the employee may collect Workers' Compensation benefits, which are not subject to Federal Income Taxes. This benefit is administered through the Workers' Compensation Program and is the equivalent of two-thirds (2/3) of the employees' gross monthly income. After one hundred sixty (160) hours of paid injury leave, and at the employee's discretion, they may elect to continue to utilize any eligible accrued benefit time for the remaining one-third (1/3) of their daily wage rate during the remainder of their injury leave (not to exceed 2.75 hours per work day).
4. The City has the right to attend all Workers' Compensation job related physician appointments to ensure all restrictions are properly managed at the safety of the employee and employer. It is the employees' responsibility to notify the Safety Manager of said appointments.
5. The City may require a fitness for duty examination, at its own expense, performed by a physician of the City's choosing to determine when the employee is capable of returning to work and if they will be capable of performing the duties of the position.
6. Return to Work. If appropriate, at the City's option, the employee may be offered temporary restricted duty, if available, for up to ninety (90) calendar days.

An injured employee must return to their regular position and be able to perform the essential functions of that position with or without reasonable accommodation within six calendar months of their injury. If the employee is unable to return to their regular position within six (6) months, the City may transfer the employee to a position for which they have the knowledge, skills and abilities to perform the essential functions of the position or terminate the employee. The City will follow an interactive communication process with the respective employee, if necessary. This decision will be made jointly by the Supervisor, Division Head, Department Head, Human Resources Director and City Administrator.

## 8.4 CONTINUATION OF INSURANCE COVERAGE

1. Workers' Compensation. An employee receiving Workers' Compensation benefits shall continue to accrue annual leave and sick leave for up to six (6) calendar months after their injury. The City currently continues to pay for the employer's portion of insurance premiums, provided that the employee continues to pay their share of premiums, if any. The employee must make arrangements with the Finance Department for the payment of their premiums while on Workers' Compensation. After six (6) calendar months from the injury, medical and dental insurance coverage ceases unless employment has been extended. However, an employee whose employment has been terminated may be eligible for COBRA benefits (Section 8.4.2).
2. COBRA Rights. Upon an employee's separation from City employment or upon an unpaid leave of absence, and at the employee's option and expense, the employee may be eligible to continue City health insurance benefits under COBRA regulations. An administrative handling fee over and above the cost of the insurance premium may be charged to the employee or their dependents that elect to exercise their COBRA continuation rights. The Human Resources Department will notify employees of their COBRA rights.
3. Separation, Retirement, Leave of Absence. For eligible employees who separate, retire or are on an approved leave of absence from the City, the City will pay the employer's portion of the insurance premium for the month the employee is leaving, provided the employee is in a paid status for at least one working day of the month. In the case of Leave of Absence, if the employee is not on paid status, Family/Medical Leave or Workers' Compensation for at least one working day of the month, the employee will be responsible for paying the employer's and the employee's portions of the insurance premium if they desire coverage for that month.

- 8.5 **ANCILLARY BENEFITS.** See the respective benefit guide or plan description for all ancillary benefits. The employee must discuss all specific disability eligibility issues with the respective carrier.

## CHAPTER 9 LEAVES

### 9.1 ANNUAL LEAVE

1. Accrued Annual Leave. All regular full-time employees currently earn and accrue annual leave as follows:

<u>Years of Service</u>	<u>Hours Earned In a Twelve Month Period*</u>
0 to 3	80
Over 3 to 5	96
Over 5 to 8	120
Over 8 to 12	136
Over 12 Years	160

\*Rounded-off to nearest hour.

- a. Regular part-time employees hired to work at least twenty (20) hours a week shall receive pro-rated annual leave benefits based upon the number of hours scheduled to work during that pay period. For employees actually working other than their scheduled number of hours, the system will appropriately adjust their accruals. Temporary employees shall not be eligible for any annual leave benefits.
- b. Employees with less than fifteen years of continuous service with the City are allowed a maximum accrual of 240 hours of annual leave. Employees with over fifteen years of continuous service with the City shall be allowed a maximum accrual of 320 hours of annual leave. Employees are not eligible to earn any additional annual leave once they have reached their cap until they have used part or all of their earned annual leave.
- c. Eligible employees shall accrue annual leave on a pro-rated basis if their hours of work and leave with pay for the payroll period are less than eighty (80) hours. For example, if an employee worked 40 hours in a pay period and had forty (40) hours leave without pay the employee would accrue only fifty percent of the annual leave they are eligible to accrue for that time period. Employees shall not accrue annual leave benefits during a leave without pay.
- d. Employees accrue annual leave upon completion of the initial Trial Service Period or after six months of employment for Police Officers. The initial calculation of annual leave will be retroactively calculated based upon the date of initial employment.
- e. Holidays which occur during annual leave are not charged against leave time. Emergency days shall not impact scheduled paid leave or scheduled days off.
- f. The minimum annual leave time shall be one-half hour.

- g. An employee shall retain their accrued annual leave when promoted, demoted or transferred.

2. Use of Annual Leave.

- a. An employee is encouraged to notify their immediate Supervisor at least one week in advance of using annual leave, unless in the discretion of the Supervisor, such prior notice was not possible due to unusual circumstances.
- b. An employee may use annual leave only when authorized by their immediate Supervisor, or the Supervisor's designee. Such authorization may be withheld when it will materially affect the operations of the Department.
- c. An employee shall not take annual leave in excess of their accrual.
- d. Department Heads and/or Supervisors may establish annual leave schedules where the efficiency of the service dictates.

3. Compensation for Accrued Annual Leave.

Upon separation from employment, regular employees shall be compensated for unused earned annual leave. Annual leave shall not be paid unless the initial Trial Service Period is completed successfully.

**9.2 SICK LEAVE**

1. Accrual.

- a. From the date of hire, all full-time employees currently accrue sick leave at the rate of 3.69 hours per pay period - (96 hours or 12 days per year, rounded-off to the nearest hour).
- b. Regular part-time employees hired to work at least twenty (20) hours per week shall receive pro-rated sick leave benefits based upon hours scheduled to work in that pay period. For employees actually working other than their scheduled number of hours, the system will appropriately adjust their accruals. Temporary employees shall not earn sick leave benefits.
- c. Sick leave must be accrued in a previous pay period to be used in a current pay period.
- d. Sick leave accumulation shall be unlimited. Employees are not paid for accumulated sick leave upon termination of employment except for those eligible for partial payment under Section 9.5.

2. Other Limitations and Conditions.



- a. Eligible employees currently accrue sick leave on a pro-rated basis if their hours of work and paid leave for the payroll period is less than eighty (80) hours. For example, if an employee worked forty (40) hours in a pay period and had 40 hours leave without pay the employee would accrue only fifty percent of the sick leave they are eligible to accrue for that time period. Employees shall not accrue sick leave benefits during a leave without pay, except as specified in the military leave section.
- b. An employee shall retain their accrued sick leave when promoted, demoted or transferred.
- c. Sick leave covers those situations in which an employee is absent from work due to:
  - i. Employee's own health condition;
  - ii. The need to care for the members of the employee's immediate family who are ill or injured;
  - iii. Medical or dental appointments for the employee, their dependent children under the age of 18 or when the health of a member of the employee's immediate family necessitates the employee accompany them to a medical appointment. The employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
  - iv. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
  - v. Use of a prescription drug which impairs job performance or safety;
  - vi. Upon request, when a death in the employee's immediate family occurs and the round trip distance for the service is in excess of 1,000 miles, the Department Head may approve the employee to use two (2) days of accrued sick leave in addition to that allowed under Section 9.8, Funeral Leave.
- d. Accrued sick leave must be used concurrently with a qualifying FMLA leave (see Family and Medical Leave (FLMA) Section 9.3). FMLA leave may continue as unpaid leave after the exhaustion of all accrued sick leave, and, if applicable, all accrued vacation, subject to the terms of the FMLA.
- e. A doctor's certification may be required when an employee is absent for a period of three (3) days and the City requests it. The City reserves the right to require a Return to Work Certification for any absence before an employee returns to work. The City may also request the opinion of a second doctor at the City's expense to determine fitness for duty.
- f. Employees shall be monitored for excessive use of sick leave, pattern of absent days and/or unauthorized absences and may be required to provide a physician's certificate, as determined by the Supervisor.

- g. At the City's option, an employee may be offered up to ninety (90) consecutive calendar days of temporary restricted duty, if available. If the employee is unable to return to their regular position within six months the City may transfer the employee to a position for which they have the knowledge, skills and abilities to perform the essential functions of the position or terminate the employee. This decision will be made jointly by the Supervisor, Division Head, Department Head, Human Resources Director and City Administrator.
- h. Employees who use all of their accumulated sick leave, and other accrued time, and require more time off from work due to a serious illness or injury, may request Sick Leave Donations (See Section 9.4), or may request a leave without pay as defined in Administrative Policies and Procedure 8.3.1.

### **9.3 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

In accordance with the Family and Medical Leave Act, eligible employees may be granted leaves of absence for the following reasons:

#### Medical Leaves.

- Employee's serious health condition or pregnancy-related disability.

#### Family Leaves:

- Spouse's attendance at birth of child.
- Parents care of newborn, if completed within twelve (12) months following birth of child.
- Placement of a child with employee for adoption or foster care.
- Serious health condition of employee's child under 18 years, or older child if disabled.
- Serious health condition of employee's spouse or parent.

A qualifying exigency that arises out of the fact that the spouse, son, daughter or parent of an employee is on active duty or has been notified of an impending call to active duty by the Federal Government in the Armed Forces. A qualifying exigency is defined as:

1. Short-notice deployment (seven days or less)
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation (up to five days)
7. Post-deployment activities (within 90 days)
8. Additional activities where the employer and employee agree to the leave

Eligible employees who are the spouse, son, daughter, parent or next of kin of a member of the Armed Forces may be entitled to FMLA leave to care for a service member who incurred a serious injury or illness in the line of duty while on active duty.

- Such injury or illness must render the service member medically unfit to perform the duties of the member's office, grade, rank or rating. The length of such leave, when combined with other FMLA qualifying leave, is limited to 26 weeks in the 12-month period selected in our FMLA policy. This is a one-time event per service member per service injury.

1. Family and/or Medical Act (FMLA) Leave Eligibility. The City provides up to twelve (12) weeks, unless otherwise noted, of unpaid, job-protected leave every twelve (12) months to eligible employees for certain family and medical reasons. To be eligible, an employee must have worked for the City at least 12 months, and at least 1250 hours in the previous twelve (12) months.

A Serious Health Condition is defined as a period of incapacitation of more than three (3) consecutive full days plus at least two (2) treatment visits to a healthcare provider, the two (2) visits must occur within 30 days of the period of incapacity. The first treatment visit must occur within seven (7) days of the onset of incapacity. Periodic visits to a healthcare provider for chronic serious health conditions are at least two (2) treatment visits to a healthcare provider per year.

Under some circumstances, FMLA leave may be taken intermittently—which means taking leave in blocks of time, or by reducing the employee's normal weekly or daily work schedule. Employees who take intermittent FMLA leave have a statutory obligation to make a "reasonable effort" to schedule such leave so as not to disrupt unduly the employer's operations.

2. Coordination with Paid Leave. When a qualifying event triggers FMLA leave for an eligible employee, the employee shall designate the following types of paid leave to run concurrent with approved FMLA leave:
  - a. Annual leave and the employee's personal day may be used for any of the eligible events identified above. The minimum annual leave time shall be one-half (1/2) hour; the personal day must be used as a full day.
  - b. Sick leave may be used for the birth of a child, to care for the employee's spouse, child or parent with a serious health condition, or because of a serious health condition that makes the employee unable to perform the function of the employee's job.
  - c. Compensatory leave may be used for any of the eligible events identified above.
  - d. If an employee uses paid leave for a purpose for which FMLA leave would be available, the City shall designate the leave as counting against the employee's FMLA leave allowance.
3. Baby Bonding. Both new mothers and fathers are entitled to leave to care for a new child, as well as legal guardians and others who have recently taken custody of a child under 18, up to a total of 12 weeks as a part of the total eligible FMLA leave. The employee may take this leave beginning at any time during the child's first year of life.

However, sick leave use under the FMLA for baby bonding must be taken in a continuous block of time rather than intermittently, if earned benefit time is available.

- a. Employees electing to take FMLA leave for bonding purposes must provide the City with the requested dates thirty (30) days in advance, whenever possible. All time taken for baby bonding is included in the employee's total 12 weeks of eligible FMLA leave.
  - b. Birth and bonding with a child is a combined leave category for spouses who both work for the City. Both are limited to a combined total of 12 weeks in a rolling 12-month period for the birth or adoption of the child and for bonding with child.
4. Adoption. In the case of adoption, the employee must use earned paid FMLA leave, annual leave or personal leave, until the employee acquires physical and legal custody of the child; after that the bonding requirements follow that specified above.
  5. Advance Notice. Whenever possible, employees must notify the Human Resources Department at least thirty (30) days prior to the leave, so the City can arrange for the necessary approval and find someone to perform their work during their absence. If thirty (30) days' notice is not practicable, the employee must give the City notice as soon as possible, usually the same day or the next business day of when the need for the leave becomes known to them. If the reason for the leave is foreseeable and an employee does not give advance notice, the City may deny the employee's request for FMLA leave for up to thirty (30) days.
  6. Medical Certifications. The City requires that employees provide a medical certification to support a request for leave due to a serious health condition (the employee's, their child's, their spouse's, or their parent's) whenever the leave is expected to extend beyond three (3) consecutive working days or will involve intermittent or part-time leave. The City may require second or third opinions, at its option, and at its expense.

If the medical certification is incomplete or insufficient, the City will specify in writing what information is lacking and give the employee seven (7) calendar days to fix the deficiency. The City may contact the employee's healthcare provider directly for clarification or authentication of the medical certification. If the employee does not authorize the healthcare provider to communicate with the City, and does not provide the necessary information to determine FMLA eligibility, the City may deny the designation of FMLA leave. A representative of Human Resources or other management official is designated as the employer's representative in contacting the employee's health care provider.

The City may request a new medical certification each year for medical conditions that last more than one (1) year. Recertification of an ongoing condition may be requested every six (6) months in conjunction with an absence.

7. Restricted Duty. If an employee is unable to return to full duty work, but is able to return to work in a restricted duty capacity, the time spent performing "light duty" work doesn't count against an employee's FMLA leave entitlement. The City will evaluate its ability to

offer restricted duty based upon the restrictions of the individual and the needs of the division.

8. Return to Work. The City may require a fitness for duty certification after a medical leave that extends beyond three (3) consecutive days or involves illness or injury that could affect the employee's ability to perform the essential functions of their job. The City will provide the employee with a list of essential job functions with the FMLA leave designation notice.

If an employee fails to return to work on the first work day following the expiration of their FMLA leave entitlement their employment with the City may be terminated.

9. Reporting Status of Return. If an employee takes leave for more than two (2) weeks, the City requires that the employee report on their status and intent to return to work to their immediate Supervisor and the Human Resources Department at least every two (2) weeks.

10. Health Insurance. If the employee is covered by the City's group health plan (medical or dental) the City shall continue to provide paid health insurance during FMLA leave on the same basis as during regular employment. If the employee is able to return to work after the leave, but does not, the employee may be required to pay the City back for its portion of the insurance premiums unless their failure to return to work was beyond their control. After paid leave is exhausted, the employee must make arrangements with the Human Resources Department to make their premium payments for the remaining unpaid portion of the FMLA leave.

11. Other Insurance. If the employee is covered by other insurance plans through the City, such as life or disability insurance, those coverages shall continue during paid leave on the same basis as during regular employment. If the employee takes unpaid FMLA leave, they shall be responsible during the leave for the premiums they normally pay. The employee must make arrangements with the Human Resources Department to pay these premiums while on unpaid FLMA leave.

12. Couples Employed by the City. If a married couple works for the City and they request leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to them as a couple for those purposes is twelve (12) weeks. This limitation does not apply however, to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with a serious health condition, or for the employee's own serious illness.

Married couples both working for the City have a combined 26 weeks FMLA leave for caring for an injured service member.

13. Determining Leave Availability. FMLA leave is available for up to twelve (12) weeks during a twelve (12) month period. For purpose of calculating leave availability, the "twelve (12) month" period is a rolling twelve (12) month period measured backwards from the date an employee uses any FMLA leave.

14. Leave Related to Pregnancy. If an employee takes leave for the disability phase of pregnancy or childbirth while they are physically unable to work, this time shall be counted against their annual twelve (12) week FMLA leave allowance. For example, if an employee takes six (6) weeks of FMLA leave for the disability phase of pregnancy, they are entitled to only six (6) weeks of FMLA leave after childbirth to care for their new child. If an employee is eligible for FMLA leave to care for the child, their time off shall be counted against both the employee's and the child's FMLA entitlement.

#### **9.4 SICK LEAVE DONATION PROGRAM**

1. Purpose. The Sick Leave Donation Program is a voluntary program that allows eligible regular employees to donate a portion of their accrued annual leave, sick leave, or personal day to a qualified eligible regular employee who is unable to work because of extended catastrophic/serious illness, non-routine treatment or injury, beyond control of the individual, and who is not eligible for Workers' Compensation. Sick leave donation may also be used to care for the employee's immediate family members.
2. Qualified Recipients. Regular employees who are qualified recipients for donated leave are those who meet all of the following conditions:
  - a. Have successfully completed their initial Trial Service Period, are regular employees and have worked for the City of Gillette for at least one consecutive year at the time of the request.
  - b. Are unable to work because of (a) extended catastrophic/serious illness, non-routine treatment or injury which requires hospitalization or extensive medical care (e.g., cancer, heart attack, stroke, etc.), (b) an ongoing or serious progressive disease which, from time to time, renders the employee temporarily incapacitated and unable to work or (c) has an immediate family member that falls under (a) or (b) above. To be considered under the Sick Leave Donation Program, any employee affected in such a manner must submit supporting medical documentation to Human Resources verifying the nature of such illness/disease.
  - c. Have exhausted all accrued annual leave, compensatory time, sick leave and personal day.
  - d. Whose condition has caused the receiving employee to go on leave without pay for more than five (5) consecutive working days.
  - e. Are not eligible for Workers' Compensation benefits.
  - f. Have no documented abuse of sick leave.
  - g. Have completed and submitted a Request for Sick Leave Donation form to their Department Head.

3. Qualified Donors. Regular employees are eligible to donate leave to qualified recipient(s). Annual leave donations from qualified donors can be any one or any combination of the following:
  - a. The donation of accrued annual leave time that does not exceed 50% of the donor's current annual accrual rate in any given year or the amount already earned and accrued for that year;
  - b. The donation of accrued sick leave up to a total of eight (8) hours per qualified recipient per year so long as the donation leaves the donor with an accrued balance of at least 80 hours of sick leave; and
  - c. The donation of unused annual personal day.
4. Parameters.
  - a. Total Donated Leave is available for a maximum of twelve weeks (480 hours) for regular full-time employees (or prorated for regular part-time employees) during the course of their employment with the City.
  - b. Leave donations to a qualified recipient will be on an hour for hour basis and in a minimum of one-hour blocks. No partial hours may be donated or received.
  - c. The donor's annual leave, sick leave or personal day hours will be credited as sick leave to the recipient employee.
  - d. Leave donations are only for the employee's personal use or immediate family member.
  - e. While an employee is using Donated Leave, they will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using sick leave.
  - f. Periods of leave during which Donated Leave is used shall continue to be classified as Family and Medical Act Leave if the recipient's leave was FMLA leave. Recipients who return to work on intermittent FMLA type of leave may use donated leave as follows:
    - i. Doctor visits, treatments and periods of convalescence associated with the serious illness or injury resulting in their eligibility for Sick Leave donations.
    - ii. Until the donated leave is exhausted.
  - g. The Sick Leave Donation Program does not supplant or modify any established employee policies or procedures, nor shall an employee's eligibility to receive sick leave donations guarantee employment for any period of time.

- h. Use of donated leave to a qualified recipient shall be terminated under any of the following conditions/circumstances:
  - i. After use of 480 (or pro rata) hours of leave.
  - ii. Upon eligibility for disability insurance benefits or retirement.
- i. Donated leave is excluded from any sick leave cash out provisions.
- j. Participation as either a donor or recipient is completely voluntary. Posting of the Sick Leave Request is allowed; solicitation is not.
- k. Any dispute arising over the Sick Leave Donation Program will be reviewed by the City Administrator whose decision shall be final and shall not be subject to any grievance procedure.

5. Procedures.

- a. The employee submits request for contributions of leave to the Department Head with applicable supporting medical documentation and, in the event the request is based on a family member, release from the family member for the employee to share this medical information. In the event the request for donations is from a Department Head, the request shall be submitted to the City Administrator.
- b. The Department Head sends the Request for Donated Sick Leave to the HR Director.
- c. The HR Director:
  - i. Verifies eligibility including evidence from a qualified medical authority.
  - ii. Approves or denies request based on the criteria established.
  - iii. Notifies the Department Head and employee of decision and posts a notice of the request to City departments.
  - iv. Receives donations using the Sick Leave Donation Form.
  - v. Assures that donors are qualified and that donations meet the guidelines stated above.
  - vi. Coordinates administration with Payroll.
  - vii. Receives and matches requests and donations reducing donor's annual leave, sick leave or personal day accruals and increasing recipient's sick leave account as authorized.
  - viii. Transfers donated time monthly until the maximum hours have been received.
  - ix. Provides a summary of the total donations to the Department and Payroll.

- 6. The employee must notify the Human Resources Department, Department Head or Supervisor immediately if their condition or their family member's condition improves sufficiently to return to work, whether regular or light duty.



**9.5 COMPENSATION FOR ACCRUED SICK LEAVE PRIOR TO JULY 1997**

1. Employees shall not be compensated for accrued sick leave upon separation from employment except as follows:

In 1997, the City revised its policy on compensating employees for sick leave accrual upon separation. As a result of these changes, only those employees eligible for compensation for accrued sick leave on July 1, 1997 shall be eligible for payment for a portion of their accrual upon separation or death. (The Human Resources Department shall maintain a list of eligible employees and their accrued sick leave eligible for payment upon separation.) These employees may use accrued sick leave and may accrue additional sick leave after July 1, 1997, but their accrual for compensation on separation or death shall not exceed their July 1, 1997 total. The amount eligible for employee compensation shall be determined using the following table:

**As of July 1, 1997:**

<b>YEARS OF SERVICE</b>	<b>IF ACCRUED SICK LEAVE ON 7/1/97 EQUALED</b>	<b>COMPENSATION FOR SEPARATION SHALL NOT EXCEED</b>
3-5 years of service	30 days of sick leave	15 days of pay
5-8 years of service	60 days of sick leave	30 days of pay
8-12 years of service	90 days of sick leave	45 days of pay
Over 12 years of service	120 days of sick leave	60 days of pay

2. At the time an employee eligible for a benefit under Section 9.5 separates from service with the City, the City shall pay to the employee as wages the amount of the employee's entitlement under Section 9.5.

Upon the death of an employee entitled to compensation for unused sick leave pursuant to this Section 9.5, the amount accrued shall be paid to the employee's designated beneficiary, and, if no beneficiary is designated, to the deceased employee's estate.

**9.6 JURY AND WITNESS LEAVE**

1. Jury Duty. All employees shall be eligible to receive paid jury duty leave each time they are called for jury service. Employees shall provide their Supervisor with a copy of the jury duty summons as soon as possible after receiving it, and upon completion of jury duty, employees shall provide their Supervisor with proof of jury service.

Payment provided by the courts during periods of paid jury duty leave shall be paid to the City, except expense reimbursements, such as mileage. Employees are expected

to report to work if excused from jury duty during normal working hours. This requirement does not apply to an employee who is excused from jury duty within the last working hour of their work day.

2. Witness Duty. All employees summoned to testify in court shall be allowed time off for the period they serve as witnesses. In general, witness duty leave shall be unpaid unless the employee is called as a witness in their official capacity (i.e. Police Officer) or called as a witness for the City in a case involving the City.

## **9.7 MILITARY LEAVE**

Military leave for active military duty and Reserve or National Guard Training shall be provided to employees in accordance with federal and state law. A detailed policy can be found in Administrative Policies and Procedure 8.3.3 available on the City's Intranet.

## **9.8 FUNERAL LEAVE**

1. Granting of Funeral Leave. Funeral leave shall be granted to every employee to a maximum of three (3) working days with pay for the death of an immediate family member (see Definitions). For the purposes of this section only, funeral leave is permissible for the death of an aunt and/or uncle, or the equivalent relationship by marriage.
2. Employees may be granted two hours to attend the funeral of a fellow City employee or an employee's spouse or children.
3. Upon request, when a death in the employee's immediate family occurs and the round-trip distance for the service is in excess of 1,000 miles, the Department Head may approve the employee to use two (2) days of accrued sick leave.
4. Limitations. Funeral leave shall not be granted for settlement of estates nor any other reasons except the required time to travel to attend and return from a funeral. For funerals of other relatives or friends, employees may take annual leave, personal day leave, compensatory time off, or unpaid leave, upon the approval of their Supervisor. Verification of eligibility relationship may be requested at the discretion of the Supervisor.

## **9.9 HOLIDAYS / PERSONAL DAY**

1. The City Council authorizes ten (10) paid holidays each year. The following days are currently observed as paid eight hour days off by all regular employees:
  - New Year's Day
  - Wyoming Equality Day
  - President's Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Veteran's Day

- Thanksgiving Day\*\*\*
  - Christmas Day\*
  - Personal Day\*\*
- a. \*Christmas Eve. If Christmas Day falls on a Tuesday, Wednesday, Thursday, or Friday, there shall be an additional four (4) hours paid holiday granted on December 24<sup>th</sup>.
- b. \*\*Personal Day. One eight (8) hour personal holiday shall be granted to each full-time employee during each fiscal year, provided the employee receives prior approval from his Department Head before taking the day off. A part-time employee shall receive a pro-rated personal day each fiscal year under the same conditions as a full-time employee.
- i. Personal days shall be separate from an employee's accrued annual leave and personal days shall not be accrued or carried over to another fiscal year.
  - ii. A personal day may not be broken into increments; it must be taken as one full day.
  - iii. Personal days may be granted to Police Officers on Trial Service after completion of six months successful service.
  - iv. Trial Service employees do not accrue and may not use their personal day until after completion of their trial service.
- c. \*\*\*Thanksgiving Day. The City Council may designate a "Safety Day" each year. Additional information regarding the eligibility for this day is contained in the related Administration Policies and Procedure 8.3.4 available on the City's Intranet.
2. Additional information regarding employee Compensation for hours worked on a holiday is contained in the related Administrative Policies and Procedure 8.1.3 available on the City's Intranet.

## 9.10 RELIGIOUS HOLIDAYS

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with their Department Head's approval, take the day off using annual leave, compensatory time, personal day or leave without pay.

## 9.11 VOTING TIME

At a time specified by their immediate Supervisor, all full-time employees voting in any primary, general or special election will be granted up to one (1) hour of paid leave to vote. Upon approval of the Department Head, employees may be allowed additional paid time for voting when distance to polling site or road conditions prevent employees from traveling safely to and from voting sites in one hour.

## **9.12 VOLUNTEER FIREFIGHTERS**

The City may provide regular full-time and part-time employees serving as voluntary firefighters with paid leave provided the employee makes every effort to give advance notification to his Supervisor and so long as the leave will not adversely affect the operations of the City. This only applies to those firefighters on duty at a fire scene at the start of their shift. The City reserves the right to determine the length of the paid leave. Employee does not need to use their accrued benefit time for this absence, provided documentation is received from their Fire Chief verifying their absence and the time frame.

## **9.13 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES**

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

1. Regular Part-Time Employees. All leaves, including holidays, and insurance premiums shall be pro-rated based on hours scheduled.
2. Temporary Employees. Temporary employees shall not be eligible to receive benefits unless specifically identified in this document or in an Administrative Policy.

## **9.14 NON-COMPENSATORY STATUS**

Employees in a non-compensatory status are not eligible for any benefit time accrual while in that status.

## **9.15 ADMINISTRATIVE LEAVE / LEAVE WITHOUT PAY**

Additional information regarding administrative leave and leave without pay is contained in the related Administrative Policies and Procedure 8.3.1.

## **CHAPTER 10 SUPERVISION, DISCIPLINE AND TERMINATIONS**

### **10.1 SUPERVISION OF EMPLOYEES**

1. Responsibility of Department Heads. Department Heads shall be directly responsible to the City Administrator, for the supervision and administration of all personnel within their respective departments, in accordance with this Handbook.
2. Scope of Responsibility. Department Heads, Division Heads and Supervisors shall be responsible for:
  - a. Administration of the policies and procedures contained herein;
  - b. Adequate observation, orientation and on-the-job training of employees;
  - c. Continuing review and evaluation of employees' job performance;
  - d. The initiation of corrective and disciplinary actions as required in connection with these policies and procedures;
  - e. Maintaining employee morale and providing a work environment conducive to employee's welfare and safety.

### **10.2 POSSIBLE DISCIPLINARY ACTIONS**

1. In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the specific circumstances:
  - a. Termination
  - b. Demotion
  - c. Suspension
  - d. Performance Improvement Plan
  - e. Written Reprimand
  - f. Coaching or Counseling
2. The form of discipline to be applied in any particular circumstance (except oral or written reprimands) shall be determined by the Department Head, Division Head or Supervisor in consultation with the Human Resources Director. The City reserves the discretion to determine when employee discipline is appropriate, and what disciplinary measures are appropriate under any particular circumstance. Depending on the nature, frequency and severity of the violations involved, and the position and performance history of the employee, disciplinary action may take any of the forms

listed above, or any other measure that the City believes may be effective in addressing the situation. Disciplinary action is not limited to these actions, nor will discipline necessarily be progressive, which means that the City reserves the right to select any disciplinary measure without first using less serious measures, depending on the circumstances. ALL EMPLOYEES ARE AT-WILL EMPLOYEES, MEANING THAT EITHER THE CITY OR EMPLOYEE CAN TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE. THE FACT THAT THE CITY MAY DECIDE TO IMPOSE DISCIPLINE RATHER THAN TERMINATION IN ANY PARTICULAR SITUATION DOES NOT ALTER THE AT-WILL NATURE OF THE EMPLOYMENT RELATIONSHIP.

3. Additional information regarding employee disciplinary actions is contained in the related Administrative Policies and Procedure 8.2.1 available on the City's Intranet.

### **10.3 TERMINATION**

1. ALL EMPLOYEES ARE AT-WILL EMPLOYEES, MEANING THAT EITHER THE CITY OR EMPLOYEE CAN TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE. Dismissal of an employee shall be the responsibility of the Department Head and the Human Resources Director must approve such action in advance. The employee shall be advised in writing of their termination, why the action is being taken and the specific details of their offense.
2. Appeals of dismissals under this chapter are subject to the provisions of Chapter 11 of this Handbook.

### **10.4 LAYOFF**

1. In the event of a layoff situation, the City reserves the right to determine the criteria for the selection of employees to be laid off. Such criteria may include:
  - a. The type of employment and the necessity of the position in relation to the City's overall operation and function;
  - b. Employment Status. Temporary and trial service employees (other than employees on trial service as a result of a promotion) may be laid off before regular part-time and full-time employees, depending on the circumstances of the layoff;
  - c. The performance of employees based on their most recent performance evaluation and/or their overall employment history, as well as the status of any disciplinary/corrective action;
  - d. The length of service or seniority of employees with the City shall be considered when all other factors selected by the City are equal, as determined by the City.
2. The responsibility for administering layoff procedures shall be a joint responsibility between the affected department(s) and the Human Resources Director.

3. Any employee who is laid off may be placed on a layoff eligibility list for up to six (6) months, and may be given priority consideration when an opening for which they are qualified becomes available. Reinstated employees will accrue benefits, as allowed by plan documents, based upon years of service prior to their layoff if reinstated within six (6) months.
4. When a laid off employee is appointed to a position in the same or lower classification than the one they previously held, the employee shall be compensated on the pay range assigned to the position.
5. When a laid off employee is appointed to a position in a higher classification than the one in which they previously held, the employee shall become a trial service employee for the required six month period, and the pay range for that employee shall be that assigned to the new position.

## **10.5 RESIGNATION**

1. Employees are asked to provide two (2) weeks written notice of resignation from employment with the City.
  - a. Upon receiving written notification of an employee's resignation, the City may accept the resignation and, at the City's discretion, immediately release the employee from work. If the employee is released, the employee shall be compensated as though they had worked through the date of effective resignation on their letter.
  - b. Nothing in this paragraph will preclude the City's authority to exercise termination action under 10.3, if deemed appropriate. In this case, compensation through a previously established resignation date does not apply.
2. The employee's last day on the job shall be their date of official separation for the purpose of computing final compensation (See Subsection 6.6), except as provided for under Subsection 10.5.1.

## **CHAPTER 11 GRIEVANCE PROCEDURES**

### **11.1 GRIEVANCE PROCESS**

1. Purpose. The purpose of the City's grievance process is to provide a means by which regular full-time and part-time employees might resolve employment complaints regarding the interpretation or application of the provisions of these policies--except as outlined below--without discrimination, restraint, or reprisal.
2. Applicability. The grievance process does not apply to trial service or temporary employees. The Human Resources Director shall investigate complaints involving trial service and seasonal employees.
3. Any issue which has been submitted, processed and/or decided by state or federal agencies or courts shall not be subject to the grievance procedures provided in this Handbook.
4. Employees may grieve a termination only if the termination procedure did not comply with the terms of this handbook or was based upon erroneous facts. If the termination is reversed through the grievance process, the employee shall be reinstated and compensation and benefits restored as if they had not separated from service.
5. Certain items falling under the purview of rights of management will not be subject to the grievance process. Such items shall include, but not be limited to:
  - a. Discharge of policy, including the right of the City to manage the affairs of the City;
  - b. Right of the City to assign working hours, including overtime;
  - c. Right of the City to organize and reorganize in any manner it chooses, which may result in a change of an employee's work assignment, including demotion or termination;
  - d. Funding of employee programs;
  - e. Hiring, evaluation, promotion and layoff of employees;
  - f. Establishment, modification and enforcement of rules and regulations; and,
  - g. Introduction of new, improved or different methods and techniques of operation.
6. Attorneys for either the employee or the City shall not be allowed to participate in grievance procedure meetings, including the meeting before the Personnel Review Board.



## 11.2 PERSONNEL REVIEW BOARD

1. The City has a Personnel Review Board comprised of five (5) members as follows:
  - a. Three (3) members appointed by the Mayor, with confirmation from the City Council for three (3) year staggered terms;
  - b. Two (2) City employees for three (3) year staggered terms. The Human Resources Director shall be responsible for conducting the nominating process and election of two regular employees to serve on the Personnel Review Board for two-year terms. All regular employees shall be eligible to vote in the election.
2. If a grievance or personnel action involves an employee on the Personnel Review Board, the City Administrator shall appoint an alternate employee to replace the affected employee on the Board until the grievance action is resolved.
3. If an employee resigns from the Board or is unable to serve for whatever reason, the City Administrator shall appoint a replacement on the Board to serve until the next election of an employee representative.
4. The Human Resources Director shall act as Staff and Advisor to the Personnel Review Board.

## 11.3 GRIEVANCE PROCEDURE STEPS

1. The following procedures govern the conduct of the grievance process for regular covered employees:

Step 1. In the event an employee has a complaint, informal discussions between the employee and their immediate Supervisor(s) are initially required. In some work groups this may include appropriate lead and/or division management. The discussion must be requested by the employee within five (5) business days of the occurrence or receipt of disciplinary action and take place as soon as possible. The employee is responsible for presenting the complaint to the Supervisor(s). The Supervisor(s) are responsible for evaluating the employee's complaint in compliance with this Handbook. If the complaint is not satisfactorily resolved at the informal discussion level, the employee may file a formal written grievance.

Step 2. In the event an employee decides to file a formal written grievance, they shall do so within five (5) business days from the date of the informal discussion between the employee and the immediate Supervisor. The employee shall complete the City of Gillette Grievance Form. The employee submits the original copy to their Department Head, a copy to the Human Resources Director, and retains a copy.

Within five (5) business days of the date on which the written grievance is received, the Department Head shall meet with the employee and deliver a decision, in writing, within five (5) business days after the meeting to the employee on the original copy of the grievance form. A copy must be forwarded to the Human Resources Director.

Step 3. Within five (5) business days from receipt of the Department Head's written decision, and using the returned original copy of the grievance form, the employee may appeal the decision to the City Administrator, a copy to the Human Resources Director, and retains a copy.

Within ten (10) business days from the receipt of the employee's grievance appeal, the City Administrator, or their designee, shall conduct a comprehensive review of the allegations referenced in the employee's grievance appeal. At this step, the City Administrator, or their designee, may attempt to resolve the conflict on an informal basis with the applicable parties. The City Administrator, or their designee, may meet with the employee and the Department Head and shall provide the parties with a written decision within five (5) days of the meeting. A copy shall be forwarded to the Human Resources Director.

Step 4. Within ten (10) business days from the receipt of the written decision by the City Administrator or their designee, the employee may appeal the decision to the City of Gillette Personnel Review Board by presenting all of the above referenced written reports, along with a written request to the Human Resources Director, who shall then schedule a review by the Personnel Review Board.

The Personnel Review Board shall review the facts of the case presented by the employee and the decisions rendered in the previous steps. Testimony may be received from witnesses to both sides of the complaint and documentation previously presented in prior steps shall be reviewed and evaluated. Upon completion of the review, the Personnel Review Board shall within five (5) business days either uphold or overturn the decision of the City Administrator in Step 3.

2. A minimum of three (3) members of the Personnel Review Board shall be present for all proceedings, including the decision vote by the majority of the members present.
3. A decision by the Personnel Review Board shall be in writing and directed to the employee, the Department Head and the City Administrator.
4. The decision of the Personnel Review Board shall be final and binding.
5. Failure of an employee to submit a grievance in a timely manner or to adhere to the time limits established in the steps outlined above shall result in the employee waiving their option to submit or continue a grievance. If an employee does not receive a response within the number of working days outlined in the steps below, the next step in the grievance process shall apply. The time limit specified in any of the steps may be extended by mutual agreement through the Human Resources Director. If a grievance response is not given to the grievant within the time limit, the grievance is automatically advanced to the next step.
6. For the purposes of this section, a business day is defined as any week day (i.e. Monday through Friday), excluding holidays.

7. In extenuating or aggravating circumstances, time limits for this process may be extended by the Human Resources Director.
8. In the event that the Supervisor, Department Head or Human Resources Director is unavailable to participate in the grievance process, their designee may act in their behalf.