



Employee Policy Manual

3-6-2023

City of Wahpeton Employment Policies

Disclaimer & Introduction

The City of Wahpeton strives to provide an employee-friendly environment in which goal-oriented individuals thrive. Our commitment to serving our residents is unwavering. These policies, procedures and working conditions provide a work environment in which both resident and employee interests are served.

The City of Wahpeton is an equal opportunity employer. Religion, age, gender, national origin, sexual orientation, race or color does not affect employment decisions including hiring, promotion, development opportunities, pay or benefits. We offer fair treatment of employees based on merit and comply with all applicable federal, state and local labor laws.

Employment with City of Wahpeton is on an “at-will” basis, which means that either an employee or City of Wahpeton may terminate the employment relationship at any time, for any reason, with or without cause. This handbook is not a contract of employment nor is it intended to create contractual obligations for the city of any kind or alter the at-will employment relationships between City of Wahpeton and our employees. Only a written agreement, signed by the Mayor of the City of Wahpeton can change the at-will nature of the employment of any individual.

The policies and procedures outlined will be applied at the discretion of City of Wahpeton management. As such, the city may deviate from the policies, procedures, benefits and working conditions described in this handbook. The city may also withdraw or change the policies, procedures, benefits and working conditions described in this handbook at any time, for any reason. While it is our goal to provide employees with notice of such changes, prior notice is not required before a change is implemented. Throughout an employee’s employment with the City of Wahpeton, it is his or her responsibility to remain up to date on company policies, procedures, benefits and work conditions—both published and unpublished.

Please review the policies, procedures, working conditions and benefits described in this handbook. You will be asked to affirm that you have read, understand, agree to, abide by and acknowledge your receipt of this employee handbook.

City of Wahpeton Employment Policies

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Alcohol & Drug Free Policy

The City of Wahpeton intends to provide a drug-free, healthful, and safe workplace. Employees are required to report to work in a condition to perform their jobs in a safe, efficient, and satisfactory manner. The presence of alcohol and other drugs on the job and the influences of those substances on employees during working hours are inconsistent with the objectives of a drug and alcohol free workplace and will not be tolerated.

While at the workplace and while conducting business-related activities of the city, no employee may use, possess, manufacture, distribute, sell, or be under the influence of alcohol or illegal drugs or use legal drugs illegally. In addition, the legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to meet standards and perform the essential functions of the job in a safe manner that does not endanger other individuals, equipment, or property in the workplace.

The city reserves the right to require employees to submit to random drug testing and or testing upon reasonable suspicion including involvement in any type of accident during work hours.

Employees may be disciplined up to and including termination of employment for use of illegal drugs, illegal use of legal drugs, or use of legal drugs such as alcohol or other prescription/nonprescription drugs. Discipline may be imposed for use during official working hours, including mealtime or other work breaks, or during nonworking hours when the effect of the legal drug inhibits the employee's job performance or the city's performance. In addition, discipline may be imposed when the employee's behavior affects the city's reputation, endangers others, or damages equipment or property.

Off duty use of alcohol or other legal drugs is also cause for discipline when it results in an employee reporting to work "under the influence." Violations of this policy may lead to disciplinary action, up to and including termination of employment, and/or participation in a substance abuse rehabilitation or treatment program. Violations may also have legal consequences.

A manager may require an employee to leave the workplace if the manager determines the employee has reported to work in an inappropriate condition and cannot perform the essential functions of the job effectively in a safe manner that does not endanger themselves or others. The employee may be required to use a day of annual leave or sick leave. If the manager determines the employee should not operate a motor vehicle, the manager should arrange transportation for the employee. If the employee refuses to accept transportation and insists on operating a motor vehicle, they will be informed by the manager that law enforcement officials will be notified that the employee appears unfit to operate a motor vehicle. Law enforcement officials should then be appropriately notified.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Employees may also wish to discuss these matters or this policy with their supervisor to receive assistance or referrals to appropriate resource.

Under the Drug-Free Workplace Act, any employee who performs work for a government contract or grant must notify the city of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction. All city employees are required to sign a drug and alcohol free workplace acknowledgement annually.

Alternative Working Schedules Policy

The City of Wahpeton understands the importance of work-life balance. For those employees whose lives do not allow a standard working schedule, alternative schedule options may be considered. Each situation will be handled on a case-by-case basis but shall not adversely affect the operations of the department.

Some alternative schedule options include:

- Flextime—a block of time in the middle of the work day that employees are required to be present for, but with flexible starting and ending times for each employee
- Ten-hour day, four-day workweek—employees work four 10-hour days each week and have three days off
- Nine-hour day, one day off every other week—employee works nine-hour shifts in order to get one extra day off every other week (usually not available to nonexempt employees)

Department heads will make all decisions about alternative working schedules, including the decision of whether an individual or an entire department will be adhering to a specific schedule.

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Americans with Disabilities Act Policy

The Americans with Disabilities Act (ADA) is a federal law that prohibits employers with 15 or more employees from discriminating against applicants and employees with disabilities. It also requires employers to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job functions of the position.

The City of Wahpeton complies with all applicable laws concerning the employment of individuals with disabilities and acts in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). The city does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When a job applicant with a disability requests accommodation that can be reasonably provided without creating an undue hardship or causing a workplace safety risk, he or she will be given the same consideration for employment as any other applicant.

The city will reasonably accommodate qualified individuals (candidates and employees) with disabilities so that they can perform the essential functions of a job, unless the requested accommodations result in the following:

- A direct threat to the safety or well-being of the individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation; or
- An undue hardship to the City of Wahpeton.

Individuals who are currently using illegal drugs are excluded from coverage under the city ADA policy.

Each city department is responsible for implementing this policy, including the resolution of reasonable accommodation, documentation of requests and accommodations, safety, direct threat and undue hardship issues. Contact them with any questions or requests for accommodation.

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Code of Ethics Policy

The City of Wahpeton maintains specific policies in an attempt to assist employees in adhering to certain standards of conduct. These policies are in place to preserve the city's reputation and prevent knowingly adverse consequences to all parties involved.

Employee Conduct

City employees shall conduct all work related activities in compliance with all laws, regulations, policies and procedures.

Each employee has the responsibility to treat co-workers and citizens with respect. Any conduct in the workplace that creates a harassing or offensive environment will not be tolerated.

While it is impossible to anticipate every circumstance in which an employee may be confronted with a questionable ethical dilemma, each employee has the responsibility to carefully consider the ramifications of a given situation, and seek advice or counsel from the appointing authority (i.e. Department head, City Council). Employees are encouraged to use good judgment and common sense when responding to these types of situations.

Employees must avoid any action that would result in or create the appearance of improper and unethical conduct.

All employees subject to professional licensing under the North Dakota Peace Officer Standards and Training Board shall comply with the Peace Officer Code of Conduct in addition to the conditions of this policy.

Conflicts of Interest

1. City employees shall not use their office or position for non-compensatory personal financial gain or for the financial gain of their family.
2. City employees shall not use information obtained as a result of employment and not generally available to the public for their personal benefit.
3. Use of city property and/or materials for personal gain is not allowed.

Receipt of Gifts

1. Employees may accept meals and refreshments if they are infrequent, of nominal value (less than \$40), and in connection with business. Employees should inform anyone doing or desiring to do business with the city that all gifts of more than a nominal value are prohibited. If an employee receives a gift or a benefit of more than nominal value, the employee must report it promptly to their supervisor or department head. The item must be returned or donated to a suitable charity
2. Employees shall not use their positions to gain special privileges and benefits, including favors, services, and/or promises of future employment.

The city requires all employees to only use lawful practices involving payments to customers, vendors, and employees. As a result, kickbacks and bribes offered with the intent of inducing or rewarding specific buying decisions or actions are strictly prohibited. No city employee may offer to make direct or indirect payments of value in the form of compensation, gifts or contributions to any of the following:

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- a) Persons or firms employed by or acting on behalf of a customer (private or governmental) for the purpose of rewarding favorable actions in a transaction.
- b) Any governmental officials, political parties or officials of a party or candidate for political office, for the purpose of rewarding favorable actions or influence of the official, party or candidate.

Political Contributions

The city will not make any contributions to any political party or candidate for political office in violation of federal or state law.

Reporting to Management

Report of Fraudulent/Significant Dishonest Acts Fraud is defined as intentional workplace deception; lying, cheating, and stealing or the use of one's position with the city for personal enrichment through the deliberate misuse or misapplication of city resources or assets. An employee with a reasonable basis for believing that fraudulent or other significant dishonest acts have occurred in the workplace has a responsibility to report the suspected act in a timely manner. Reports should be made to the employee's immediate supervisor or manager, unless the employee suspects that the supervisor or manager has participated in or condoned the act. In that case, the employee should report the matter to the next highest level of supervision, department head or city attorney.

This policy shall not prohibit prompt notification to appropriate authorities when an immediate threat to personal safety exists or other circumstances justify such notice. Upon discovering evidence of possible fraudulent or other significant dishonest acts, employees should not confront individuals suspected of wrongdoing or initiate fraud investigations on their own because such actions may compromise any ensuing investigation. Employees shall not make statements or disclosures knowing they are false or in reckless disregard of the truth. Such false reports may be cause for disciplinary action up to and including termination of employment.

Violations of this Policy

If an employee violates this policy, he or she may be subject to termination or other disciplinary action to prevent future violations. The following individuals may be subject to disciplinary action or termination:

- a) Employees who are in direct violation of this policy.
- b) Employees who deliberately withhold information concerning the violation of this policy or fail to report a violation of this policy.
- c) Management personnel who fail to report violation of this policy by their subordinates.

If an employee is accused of violating antitrust laws, yet he or she did consult legal counsel and acted in good faith, the employee may not face disciplinary action under this policy. The city may also assist in the employee's defense, within the confines of the law.

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Compensation & Evaluation Policy

The City of Wahpeton is committed to providing a competitive compensation program for city employees designed to recruit, retain, and motivate a quality workforce for the purpose of providing efficient and effective services to the citizens of Wahpeton. For purposes of this section, "compensation" is defined as base salary and related fringe benefits.

The compensation program shall:

1. Provide a competitive employee compensation package based on job content evaluation, internal equity, and external competitiveness balanced by the city's fiscal conditions.
2. Be based on principles of fairness and equity.
3. Include a consistent compensation policy which allows for an established pay structure to address varying occupational specialties.
4. Set the external competitiveness target for salary range midpoints at a competitive level of relevant labor markets. For purposes of this section, "relevant labor markets" is defined as the labor markets from which the city attracts employees in similar positions and the labor markets to which the city loses employees in similar positions.
5. Include a process for providing compensation adjustments that considers a combination of factors, including achievement of performance objectives or results, competency determinations, recognition of changes in job content, and acquisition and application of advanced skills or knowledge.
6. Consider the needs of the city as an employer and the tax effect on Wahpeton citizens.

The city council and department heads shall develop and consistently administer the compensation program to ensure that city departments adhere to the components of the city's compensation policy. The city council shall schedule a review of the compensation plan conducted by a qualified independent third party not less than every 7 years. A limited scope or job classification study may be conducted as necessary. The purpose of the independent review is to ensure that the city's compensation levels are competitive with relevant labor markets.

The city council recognizes the importance of providing annual compensation adjustments to employees based on performance and equity to maintain the market competitiveness of the compensation system.

Salary Administration

Hiring: shall include review and written documentation of the position description including a statement of reason for recruiting to fill the vacancy. Compensation rates for new employees may be up to the salary range midpoint depending on qualifications and determination of equity among other positions in the same assigned salary grade. All position hiring information shall be filed with the city auditor for council review/approval and records retention compliance.

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Salary Increases: shall be addressed during the employee evaluation process annually, documented in writing and based upon the following reasons:

- a) Successful completion of a probationary period
- b) Increase in responsibility/workload
- c) Promotion
- d) Performance
- e) Equity
- f) Temporary assignment to a position with a higher level of responsibility for a minimum duration of 2 weeks

The implementation, revisions and exceptions to the Salary Administration Rules may be granted only by the city council and shall be included in the annual appropriations process.

All salary increases are subject to the availability of appropriated funds.

Performance Management & Employee Evaluations

Each city department must develop and use a program to provide for the development and management of the performance of each classified employee. A classified employee must be informed of the responsibilities assigned to the employee's position and the expected level of performance. Performance reviews shall be conducted at least annually or as needed. Departments shall base their performance management program on an individual-based performance appraisal. Performance reviews shall be in a written format and a copy placed in the employee's file only after the employee acknowledges having read the material by signing the document. All position evaluation information shall be filed with the city auditor for records retention compliance.

Proposed adjustments in salary assignments shall be included in a performance evaluation stated as recommendation for advancement to step (B through M) and must be approved in the appropriation process prior to becoming effective. Each position evaluator shall be responsible to maintain equitable and consistent documentation of employee performance.

Grade reassignments shall be based upon documented position description responsibilities and approved by the city council.

Confidential & Public Information Policy

During your employment at the City of Wahpeton, you may have access to confidential and proprietary data, which is not generally known by the public or included in the open records requirements.

There are three classes of public records under North Dakota law. The first class consists of documents that are confidential. Disclosure of these documents is generally prohibited. The second class consists of documents that are subject to the open records law. Disclosure of these documents is generally required. A public entity generally has no discretion regarding disclosing records in either of these two classes. There is a third class of documents consisting of documents that are not confidential, but are also not subject to the open records law and considered exempt or closed. Because disclosure of this class of documents is neither prohibited as confidential, nor required to be open, disclosure of these exempt documents by a public entity is discretionary. Whether disclosure is prohibited or merely not required will depend on the specific wording of the law excluding those records from the application of the open records law.

The City of Wahpeton will comply with all privacy laws as included in the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

Records Generally Subject to Public Review:

- Minutes of open meetings;
- Personnel records including salary, resumes and job performance evaluations – EXCLUDING personal information to include phone numbers, addresses, medical conditions, dependents, dates of birth, account numbers, benefits enrollments, etc.;
- Job applicants when three or fewer finalists are selected
- Financial records and contracts EXCLUDING account numbers;
- Non-Financial corporate information as filed with the Secretary of State;
- Emails, texts and voicemails pertaining to public businesses
- Any public records specified by the North Dakota Attorney General

Records Exempt from the Public:

- Infrastructure control records, motor vehicle records, loss control records, or any items exempted under N.D.C.C. § 44-04.
- Law enforcement records – as established by N.D.C.C. ;
- Attorney work product;
- Trade secret, proprietary, commercial, and financial information is confidential if exempted it is of a privileged nature and it has not been previously publicly disclosed;
- Minutes and recordings of executive sessions;
- Personal medical health records;
- Misc. records to include student records, reports of child abuse or neglect, disease

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To protect the city's interest in non-public information, you must:

- (a) Not use any such confidential information for your personal benefit or for the benefit of any person or entity other than the city, and
- (b) Use your best efforts to limit access to such confidential information to those who have a need to know it for the business purposes of the city.

In addition, you should minimize those occasions on which you take documents, computer disks or a laptop containing such confidential information outside the office. On those occasions where it is necessary, consistent with the best interests of the city and doing your job effectively, to take documents, computer disk or a laptop containing confidential information outside the office, all appropriate precautionary and security measures should be taken to protect the confidentiality of the information.

During the course of your employment with the city, you will be provided with and will generate correspondence, memoranda, literature, reports, summaries, manuals, proposals, contracts, customer lists, prospect lists, and other documents and data concerning the business of the city.

Any and all such records and data, whether maintained in hard copy or on a computer or other medium, is the property of the city, regardless of whether it is or contains confidential information. Upon termination of your employment at the city, you are required to return all such records to the city and may not retain any copy of such records or make any notes regarding such records. We reserve the right to search for such information and property in personal items while on city premises such as vehicles, purses, briefcases, etc.

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Continuing Education Assistance Policy

City of Wahpeton is committed to developing and maintaining a high performance workforce, and encourages its employees to continue to develop the knowledge and skills necessary to succeed in their jobs and provide optimum service to citizens. For these reasons, the city maintains a continuing education assistance program.

The city may provide financial assistance for approved courses, continuing education credits, certifications and licensing to support employees' development of skills and knowledge that will be of mutual benefit to both the employee and the city.

To participate in the program, individuals must be a current employee. All educational opportunities must be within budgeted appropriations and approved in advance by the employee's department head.

If a professional license is required for the position within the city, expenses or reimbursement for continuing education requirements may be covered at 100 percent. License applications, registrations, and compliance for professional licensing are the individual employee's responsibility. The city will not fund re-instatement fees or penalties related to continuing education or professional licensing.

Approved job-related expenses for tuition, training, course registration and exam fees will be reimbursed at 50 percent. Costs for required books will be reimbursed 50 percent. The limit for reimbursement is \$2,500 per calendar year, and reimbursements will be made after successful completion (C or better for bachelor's level and B or better for master's level) of the course and after providing a valid receipt and verification of the obtained grade to your department head. Optional fees, supplies, parking, application fees and entrance exam fees are not covered and are the responsibility of the employee.

Approved job-related courses are those that involve subjects that will benefit the employee in executing present job responsibilities, or where it is part of an individual's planned development or advancement within the city. **Non-position related courses are generally not covered.**

The application for participation in this program is to be made in writing and submitted to the department head for approval prior to commencement of the course. The department head may defer continuing education assistance dependent upon budgeted appropriations. Upon approval or denial, the department head will notify the employee in writing and place a copy in the employee's personnel file.

Courses or training received under this program should normally be held outside of working hours. The city reserves the right to be selective in approving continuing education assistance, closely linking employees' jobs, city budget and the specific training being pursued. Initial approval does not obligate the City to approve future courses. Reimbursement is contingent upon continued employment beyond course completion and may be treated as taxable income in accordance with the Internal Revenue Service regulations.

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Credit Card Policy

The City of Wahpeton provides city credit cards for employees who travel frequently as part of their duties, purchase large volumes of goods for use by the city or incur frequent operational expenses that are paid by credit card.

Use of a credit card does not exempt staff or officials from the purchasing and appropriations requirements of the City of Wahpeton.

Card Issuance - Credit cards may be requested through supervisory channels. Credit limits are administered through the Finance Director.

Conditions of Use - The policy and procedures in this section must be followed by all persons using a City of Wahpeton credit card. Failure to use the credit card in accordance with applicable policies and procedures may result in revocation of the card and may involve disciplinary action, up to and including termination and prosecution.

Policy and procedure violations include, but are not limited to:

1. Purchasing items with the card for personal use.
2. Purchasing meals that are subject to per diem rates.
3. Failure to return the card when reassigned, terminated, or upon request.
4. Failure to submit proper transaction documentation to the appropriate person in a timely manner.
5. Transferring assignment of the card to another individual.
6. Repeatedly allowing sales tax to be charged when the purchases are tax exempt.

To maximize the benefits of using the card, all credit card transactions will be paid within the accounts payable process prior to the application of any finance or administrative charges. Charge receipts should be expense coded, supervisor approved and submitted to accounts payable prior to the due date.

Credit cards shall not be used for tax (1099) reportable services, it is acceptable to use the card for training, conference registrations, and other non-reportable services.

Responsibilities - The following sections are the minimum requirements:

Cardholder

Each cardholder is responsible for the following activities:

1. Safeguard the credit card.
2. Keep original receipts from each purchase.
3. Attest that all purchases are for city business only and comply with all applicable policies and ordinances.
4. Forward the signed and reconciled cardholder statement with original receipts to accounts payable for timely payment.
5. Notify supervisor immediately in the event of a lost or stolen card.
6. Remand credit card to supervisor if employment is terminated.
7. Resolve disputes as described below and in the cardholder user manual.

Returns, Credits, and Disputed Items - The cardholder has the responsibility to follow up with the merchant or bank on any erroneous charges, disputed items, or returns as soon as possible. Disputed billings can result from failure to receive the goods charged, defective merchandise, incorrect amounts, duplicate charges, credit not processed, as well as fraud and misuse. If the cardholder has a problem with a purchased item or a billing resulting from the use of a credit card, they should attempt to reach a resolution with the supplier. In most cases, disputes may be resolved directly between the cardholder and the supplier.

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Credits

Referring to the cardholder receipt, request from the merchant to record a credit on the card account. If the item was shipped, refer to the shipping form.

Returns

The supplier should issue credit for any item approved for return. The credit should appear on a subsequent statement. Returned items that were purchased with the credit card must be credited back to the card. Do not accept a refund in cash or check. Keep documentation of credits, returns, and exchanges.

Disputed Items

If a resolution on a disputed charge cannot be reached with the supplier, please refer the matter with complete documentation to the Finance Director prior to the end of the statement billing cycle.

Supervisor - The cardholder's supervisor or another designated employee (other than cardholder) should:

1. Review information submitted by cardholder. The amount of review will depend on a number of factors but the reviewer should compare receipts to the cardholder statement submitted by the cardholder.
2. Verify purchases are for use in city business. Sign cardholder statement to certify that purchases are for city business purposes and comply with appropriate policies and ordinances to the best of the reviewer's knowledge.
3. Cardholder statements with original receipts must be maintained on file in accounts payable.
4. The card must not be used for personal transactions. If personal transactions occur, the employee must repay the city. If it is determined that personal or other unauthorized charges are occurring on the credit card, appropriate steps, up to and including termination, will be taken to resolve the misuse/abuse of the card.

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Devices & Electronic Communications Policy

It is the intent of the City of Wahpeton to provide a policy that ensures appropriate use of electronic communications devices (ECDs) by city employees; unless exempted by law; all electronic communications shall follow North Dakota's Open Records Law. Employees have NO ASSUMPTION OF PRIVACY when using a city issued ECD.

Authorized Use: It is the city's policy to limit the use of ECDs to official business. However, users may be permitted to utilize ECDs for personal use, off-duty, and if in compliance with the following terms of this policy:

1. Does not interfere with the performance of the user's public duties
2. Is of nominal cost or value;
3. Does not create the appearance of impropriety;
4. Is not for a political or personal commercial purpose;
5. Is reasonable in time, duration, and frequency;
6. Makes minimal use of hardware and software resources; and
7. Is in compliance with the Standards of Conduct outlined below.

Standards of Conduct: ECDs should be used in a professional and ethical manner as noted below:

1. Must limit the use of ECDs for non-official business; including but not limited to "streaming" audio and video;
2. Must not use ECDs for harassment or similar inappropriate behavior;
3. Must not use ECDs for accessing sexually explicit, offensive or erotic material (unless it is approved by a supervisor as part of a Wahpeton Police Dept. ongoing investigation)
4. Must not create, distribute, copy, store or knowingly use unauthorized copies of copyrighted material on ECDs or transmit them over city networks;
5. Must not use ECDs for the purposes of probing or hacking;
6. Must not use ECDs for any illegal activity, gambling, trading in illegal substances, etc.;
7. Must not knowingly distribute viruses or bypass any city virus detection system in place; and
8. Must conform to City procurement policies when making business related purchases through an ECD.

Measuring and Monitoring: The city reserves the right to monitor the use of ECDs, including but not limited to storing, accessing, and reviewing information received or sent through email or over the internet. The city reserves the right to block out any internet sites deemed by the department head or supervisor to be unrelated to city operations. The city will cooperate with any law enforcement investigation.

Non-compliance Measures: A violation of this policy may lead to disciplinary actions, up to and including termination of employment and or public service.

Return of ECD: Employees shall ensure the city may gain access to any city owned ECD by providing all necessary information on security and control to their department head. ECD's shall be restored to their original settings free of after issuance security controls. Employee will be financially responsible for restoration or replacement of an ECD deemed inoperable as a result of the employee's actions.

Exceptions for use of ECDs by law enforcement exist – please reference the Police Dept. Policy Manual.

Direct Deposit Policy

It is the policy of the City of Wahpeton to issue employee payments solely through electronic direct deposit. Direct deposit provides many benefits for employees, including greater security and faster access to funds. Checks will not be issued.

Employee payments will be electronically deposited directly into one or more checking or savings accounts designated by each employee. Accounts must be established with financial institutions, such as banks or credit unions that support direct deposit.

The Finance Assistant or City Auditor's Assistant will assist employees with completing the necessary documentation as well as answering any questions or concerns about direct deposit.

NOTE: It is each employee's responsibility to review his or her payroll stub for accuracy of personal information and payment information. Employees must immediately notify the Finance Assistant or City Auditor's Assistant if there has been an overpayment of wages. Employees are not entitled to keep wage overpayments and the City of Wahpeton may recoup overpaid amounts from future payments.

NOTE: Employees must notify the Finance Assistant or City Auditor's Assistant when there is any change to bank accounts that affect direct deposit. Changes must be received two weeks prior to the payday for which the change is to occur.

Disciplinary Action Policy

Disciplinary actions may entail verbal, written and final warnings, suspensions and termination. Not all of these actions may be followed in all instances. The city reserves the right to exercise discretion in discipline. Prior warning is not a requirement for termination. All disciplinary actions will be documented; documentation will be placed in personnel files.

The city reserves the right to take any disciplinary action the city considers appropriate, including reprimand, suspension with or without pay and termination, at any time. In addition to those situations discussed elsewhere in this policy manual, listed below are some examples where immediate termination could result. This list is general in nature and is not intended to be all inclusive:

1. Discourtesy to a customer, vendor or the general public resulting in a complaint or loss of good will
2. Refusal or failure to follow directions from management; insubordination
3. Breach of confidentiality relating to employer, employee, customer or vendor information
4. Altering, damaging or destroying city property or records, or another employee's property
5. Dishonesty
6. Providing false or misleading information to any city representative or in any city records, including the employment application, benefits forms, time cards, expense reimbursement forms and similar records
7. Fighting or engaging in disorderly conduct on the city's premises or off-site while representing the city which includes threats of violence verbal or written
8. Violations of any of the city's employment policies including, but not limited to, confidentiality, security, fraud, harassment, conflict of interest and code of conduct
9. Conduct or performance issues of a serious nature, by act or omission
10. Failure of a drug or alcohol test

The city recognizes that personal issues can sometimes affect your performance. The Employee Assistance Program (EAP) is available to employees and their families to provide confidential help with a wide variety of personal problems, issues and concerns.

Use of EAP services, however, does not excuse you from complying with city policies and procedures, or from achieving job requirements or expectations during or after receiving EAP assistance. Participation in the EAP will not prevent the city from taking disciplinary action when warranted.

Diversity Policy

The City of Wahpeton encourages and welcomes diversity, recognizing it as a key competitive advantage. The value of different backgrounds and perspectives should not be overlooked. Having a diverse workforce assists us in looking at all situations from a variety of angles and encourages the development of innovative ideas and solutions. Embracing and understanding what each employee's background and perspective can contribute gives us a competitive edge.

Some types of diversity are as follows:

- Life experience
- Work experience
- Perspective
- Culture
- Ethnicity
- Gender
- Age

Respecting each individual and recognizing the value that we each bring to our team is essential. By creating a supportive environment that allows everyone to perform to his or her potential, we achieve success.

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Emergency Action Plan Policy

The City of Wahpeton recognizes safety and situational awareness are essential in the workplace.

General Guidelines in an Emergency

Stay calm and think through your actions. Know important emergency numbers, such as:

1. Fire/Police/Ambulance 911
2. City Hall 701-642-8448

Be aware of your surroundings:

1. Know where stairwells and exits are located.
2. In the event of an emergency, use only stairs—do not take elevators.
3. Do not hesitate to call or alert others if you believe that an emergency is occurring.

Fire Evacuation:

1. Employees shall comply with all fire alarms and drills.
2. Upon hearing the alarm, immediately evacuate the building ushering out any visitors using the closest exit—do not use the elevators or delay evacuation to gather personal belongings, finish a phone call or wait for friends.
3. Gather at a designated point on the facility lawn or the furthest away point of the facility parking lot to account for all occupants.
4. Department heads/supervisors should be the last persons to leave the area—they should check in conference rooms, restrooms and offices to ensure all employees have evacuated, then close all doors after clearing an area.
5. Any employee with mobility, visual, hearing or other conditions that may hinder them from becoming aware of an emergency or evacuation should disclose their condition to Human Resources so that special assistance can be provided should an emergency occur.
6. If an employee or known guest or visitor is missing, immediately report the missing person's name to an emergency responder.
7. All employees who are not members of a response team should stay together in the designated location so periodic updates on the situation can be communicated—do not go home, wait in your car, return to the building or go to another building unless directed by a department head or supervisor.

City of Wahpeton Employment Policies

If You Discover a Fire:

1. Alert other persons in the immediate hazard area.
2. If you have been trained to use a fire extinguisher, follow the P.A.S.S. instructions:
 - a. Pull the safety pin.
 - b. Aim the nozzle at the base of the fire.
 - c. Squeeze the operating lever.
 - d. Sweep side to side, covering the base of the fire.
3. When using a fire extinguisher, always stay between the fire and an exit—never feel that using a fire extinguisher is required, and if the fire is too hot, too smoky or you are frightened, evacuate immediately. Activate the nearest fire alarm, call 911, call the receptionist and page an emergency announcement, if possible.

Medical Emergency:

1. Upon discovering a medical emergency, call 911.
2. Stay with the ill or injured person, being careful not to come into contact with any body fluids unless properly trained and protected.
3. Send one person to alert your department head or supervisor.
4. All city employees are required to participate in cardio pulmonary resuscitation (CPR) and automated external defibrillator (AED) training. If applicable, administer CPR, the AED or basic first aid.
5. Department head or supervisor shall alert human resources so they can coordinate notification of family members of the ill or injured person.
6. Employees in the immediate vicinity of the emergency, but not involved in the emergency effort, should leave the area.

Severe Weather:

1. In the event severe weather conditions occur at a time when you have not yet reported to work and you are able to do so safely, you should report to work as usual unless otherwise notified.
2. Employees should immediately escort visitors to accompany them to seek shelter in the main hallways or lower level. Exit stairways and designated areas away from all windows.
3. Employees working outdoors should seek immediate shelter in a permanent structure. Confirmation of employee location and status should be communicated with their immediate supervisor when seeking shelter and upon termination of the severe weather event.

City of Wahpeton Employment Policies

Workplace Violence:

1. Any employee who feels that he or she has been threatened should immediately report the incident to their supervisor and human resources.
2. If you observe anyone exhibiting threatening behavior or making threatening statements, warn others in the area and immediately notify human resources—stay away from the person exhibiting the threatening behavior.
3. Depending upon the level of concern, 911 may be called immediately.
4. Never attempt to confront any person exhibiting threatening behavior.
5. If you have reason to believe that events in your personal life could result in acts of violence occurring at work, you are strongly urged to confidentially discuss the issue with your department head so that a prevention plan can be developed.

City of Wahpeton Employment Policies

Employee Classification Policy

Employees are classified as either exempt or non-exempt for pay administration purposes, as determined by the federal Fair Labor Standards Act (FLSA).

The definitions of the worker classification categories can be summarized as follows:

Exempt—Employees who meet any of the FLSA’s exemption standards, including managerial, supervisory, professional, or administrative employees.

Non-exempt—Employees whose positions do not meet the FLSA exemption standards. Overtime work is prohibited without specific supervisor authorization for these employees.

In addition, each individual's employment status is defined as one of the following:

Full-time - Employees who work at least 30 hours per week are considered full-time. Such full-time employees are eligible for employer sponsored benefits after applicable requirements for length of service have been met.

The city may supplement its regular work force with temporary or part-time employees to help compensate for workload, employee absences or other situations. Department heads will determine which positions are permanent and which are considered temporary or seasonal.

Part-time - Employees who work fewer than 29 hours per week are considered to be part-time. Employees who work 29 hours or fewer per week, will receive all legally mandated benefits (such as workers’ compensation and Social Security benefits), but are ineligible for other employer sponsored benefit programs.

Temporary/Seasonal – Temporary/Seasonal employees are individuals engaged to work either part time or full time for a period not to exceed 120 calendar days in any calendar year on the city’s payroll. They have been hired with the understanding that their employment will be terminated no later than 120 days from the start of their specific assignment. This category includes interns and co-op students. Such employees may be either “exempt” or “non-exempt” but are not eligible for employer sponsored benefits except as mandated by law.

Independent contractors - Consultants, freelancers and independent contractors are not employees of the city. The distinction between employees and independent contractors is crucial because employees may be entitled to participate in employer sponsored benefits programs, while independent contractors are not. In addition, the city is not required to satisfy income, Social Security, Medicare or unemployment tax withholdings or payment requirements for independent contractors.

City of Wahpeton Employment Policies

Employee Responsibilities Policy

All employees of the City of Wahpeton are required to comply with all policies contained in this manual.

Attendance & Punctuality

Reliable and punctual attendance is expected at all times and is an essential function of all positions. Ongoing unexcused absenteeism and tardiness places an undue burden on the organization and is considered to be misconduct. A no-call/no-show will be considered job abandonment. Any employee who does not show up for work for three days and does not call will be considered to have voluntarily quit their position of employment with the city.

Confidentiality

Employees must respect the confidentiality and sensitive nature of information with which they may come into contact. It is imperative that employees do not reveal or divulge any confidential information or documents. Employees may be required to sign a confidentiality statement and have a criminal background check completed.

Customer Service

The City is committed to providing our citizens the best service possible. Employees are expected to practice good customer service in carrying out their duties.

Dress/Image

Employees are expected to dress appropriately and professionally for the work performed. Clothing and accessories, including jewelry, which contain an offensive message or connotation, are prohibited. Clothing to avoid includes offensive logo t-shirts and sweatshirts, sweat suits, casual shorts, and spandex pants. Dress or work shorts may be permitted in designated areas. Sandals, open-toed, and open-back shoes can be worn in office settings but are prohibited in shop and warehouse areas.

Keys, Card Keys, Access Codes and Fobs

Employees will be required to sign for keys they receive on behalf of City business. It is an employee's responsibility to immediately report to the supervisor a lost or stolen key, and the employee will be charged a fee to replace a lost or stolen key. Employees must return their keys/fobs to the supervisor upon termination of employment.

Keys, card keys, access codes and fobs are only to be used by the person to whom they are assigned. Allowing an unauthorized person access without an escort is a security violation. It is the responsibility of each employee to immediately report to their Department Head all card keys that are lost, stolen, or not working properly. All keys & card key/fobs remain the property of the City shall not be duplicated and must be relinquished to the Department Head at any time upon request.

Bulletin Boards

The City uses bulletin boards to communicate important information such as safety rules, job postings, health and wellness information, statutory and legal notices, agency policies, and specific Management memos. Employees may not post material on bulletin boards without the approval of the department head.

City of Wahpeton Employment Policies

Employment of Relatives Policy

It is the goal of the City of Wahpeton to obtain the best qualified person to fill a vacancy. The city does not restrict employment of more than one member of a family or persons related by law or marriage.

To avoid conflicts of interest, no city employee may take part in decisions to hire, retain, promote, or determine salary of their immediate family.

In addition, no city employee is to be assigned responsibility for supervising and/or directing the work of their immediate family.

For purposes of this policy, immediate family includes the following relationships: (natural, adoptive, step, and foster relationships are included)

1. Spouse
2. Parent
3. Grandparent
4. Child
5. Grandchild
6. Sibling
7. In-law

Requests for exception to this policy must be made in writing to the city council.

City of Wahpeton Employment Policies

Equal Employment Opportunity (EEO) Policy

The City of Wahpeton seeks to ensure a work environment free of discrimination, intimidation, coercion, or retaliation. It is the policy of the city to assure that all applicants for employment and employees of the city are subject to uniform human resource policies and should not be subjected to discrimination in all terms and conditions of employment on the basis of an applicant's or an employee's race, color, religion, sex, national origin, age, genetics, sexual orientation, physical or mental disability, status with regard to marriage or public assistance, political opinions or affiliations, or participation in lawful activity off the employer's premises during non-working hours that is not in direct conflict with the essential business related interests of the employer.

The city makes its employment process accessible to persons with disabilities. Persons needing accommodation should contact the City Auditor's Office for additional information.

Violations of this policy are grounds for disciplinary action up to and including termination of employment. The city prohibits individuals from engaging in any form of threats, retaliation, or discrimination against a person who has opposed any unlawful discriminatory practice or who, in good faith, has filed a complaint, testified, assisted, or participated in an investigation, proceeding, hearing or litigation. Anyone found to be retaliating against an individual will be subject to disciplinary action up to and including termination of employment.

Employees or applicants who believe they are illegally discriminated against should file a formal grievance with the City Attorney's Office. Complaints may also be filed with the appropriate state or federal agency. If, after a complete review of the facts, an employee is found to have inappropriately or unlawfully discriminated against an applicant, another employee or customer of the city, such action will result in disciplinary action up to and including termination of employment.

An employee who is found to have intentionally made a false report of discrimination or who fails to cooperate with the investigation of a complaint will be subject to disciplinary action. The city seeks to ensure all employees are aware of and abide by laws involving each individual's rights.

These laws include but may not be limited to:

- a. Equal Pay Act (federal 1963)
- b. Age Discrimination in Employment Act (federal 1967)
- c. Rehabilitation Act (Section 504 federal 1973)
- d. Civil Rights Act (Title VII federal 1964)
- e. Americans With Disabilities Act (federal 1990) and the Americans With Disabilities Act Amendments (federal 2008)
- f. Public Employee Relations Act (N.D.C.C. ch. 34-11.1)
- g. Human Rights (Discrimination) (N.D.C.C. ch. 14-02.4)
- h. Equal Pay for Men and Women (N.D.C.C. ch. 34-06.1)
- i. Age of Employee, Discharge or Refusal to Hire (N.D.C.C. § 34-01-17)
- j. Genetic Information Nondiscrimination Act (Federal 2008, GINA)

For specific details on these laws and corresponding guidelines, employees are encouraged to review the related laws and administrative rules.

City of Wahpeton Employment Policies

Expense Reimbursement Policy

The City of Wahpeton will reimburse employees for all necessary and reasonable travel expenses related to the normal conduct of city business. The following policies and procedures have been established to administer uniform guidelines for reimbursement of business related travel, meals and entertainment expenses. While this policy provides many answers and useful guidance, it cannot address every possible situation. If you have any questions regarding the business nature or reimbursement of expenses, check with your supervisor before you commit to spending any funds. The most useful guide to cost-effective business travel is to spend money as if it were your own.

Any employee traveling greater than 500 miles, (one way) and or using air travel will submit a request to their Department Head. In the case of a Department Head, authorization will include acknowledgement from the appropriate committee chairperson and mayor prior to making travel arrangements.

Travel time away from an employee's home community for city business must be compensated for when the employee is the driver of a motor vehicle or a passenger on any other mode of transportation during regular hours of work regardless of the day of the week.

Any employee using their personal vehicle for travel in conjunction with this policy shall be reimbursed for mileage at the current Internal Revenue Service mileage reimbursement rate and for applicable tolls and parking expenses. Whenever possible, city vehicles should be taken on trips out of town rather than personal vehicles.

Travel to attend meetings or seminars should begin at the employee's regular place of work rather than his/her home. Travel time from an employee's home to their regular place of work is not considered hours worked and will not be reimbursed.

Lodging Allowance

The selection of overnight lodging should be guided by considerations of safety, quality and reasonableness of room rates. Again, the most useful guide to cost effective accommodations is to spend money as if it were your own. When rooms are guaranteed for late arrival and the trip is cancelled or other lodging is secured, the reservation must be cancelled to avoid being billed for a "no show." Hotels may require either a 24- or 48-hour cancellation notice to avoid these charges. The cost of in-room movies is not reimbursable.

The current GSA rate for lodging in ND is \$91, therefore the maximum amount that can be claimed is \$81.90 plus applicable taxes ($\$91 \times 90\% = \81.90). The GSA will update their rates periodically during the biennium and the allowable lodging reimbursement will also change at that time. Employees are encouraged to request lodging fees be direct billed to the City of Wahpeton.

Out-of-State Lodging: Actual lodging expense. Those persons engaged in travel outside of North Dakota shall be reimbursed for meals equal to the per diem meals rate in the city of final destination.

Mileage

Employees may receive mileage reimbursement for direct city business mileage conducted in their personal vehicle. Direct mileage is reimbursed at the current IRS standard rate, and is paid upon submission of a signed and supervisor approved Expense Report form. Because it is more cost effective than direct mileage reimbursement, employees shall use a city fleet vehicle when possible.

The use of a personal automobile for business-related travel is only authorized if the automobile is covered by a current ND State mandated insurance policy with limits. Any damages, repair costs or maintenance costs incurred by an employee in the use of their privately owned vehicle in conjunction with city business is the sole responsibility of the employee.

City of Wahpeton Employment Policies

Car Rentals

Rentals will be mid-size vehicles unless a larger vehicle is necessary and justifiable for city business purposes. The car rental needs to be made in both the name of City of Wahpeton and the name of the employee to be covered by the city's insurance policy. Your department head should be contacted immediately in the event of any accident or damage with a rented vehicle.

Air Travel

Air travels requires prior approval of the employee's department head. Reservations for all domestic air travel can be made by the employee either online or directly with the various airlines. It is expected that employees make every effort to minimize the cost of air travel, including considering Saturday night stays or departures out of airports. For airline tickets, it is requested that employees attach to their expense report a copy of the search results that show the lowest fare available. All trips involving a Saturday night stay must be pre-approved by the employee's manager.

Accompanied Travel

Travel expenses related to an employee's spouse or family member are not reimbursable by the city.

Travel Expenses

- 1) NDCC Chapter 44-08-04 provides for reimbursement of employee expenses for meals and lodging while an employee is away from their normal working and living residence.. The city policy shall conform with NDCC Chapter 44-08-04 and all amendments therefore.
- 2) If meals are included as part of a registration fee for a conference, seminar, or other meeting, the employee should be reimbursed for the entire registration fee, if paid by the employee. However, the employee cannot claim reimbursement for the applicable meal allowance for that quarter. An employee should be reimbursed for meals paid by the employee while attending a meeting at the request of, or on behalf of, the state or any of its subdivisions, agencies, bureaus, boards, or commissions, up to the allowable rates established below.
- 3) Chapter 44-08-04 provides that reimbursement is allowed only for overnight travel or other travel while away from the normal place of employment for four hours or more. Employees will not be reimbursed for the first quarter if travel began after 7:00 a.m. In order to claim expenses for the second and third quarters, the employee must have been in travel status one hour before the start of the quarter being claimed, and travel status must extend at least one hour into the quarter being claimed.
- 4) The expense allowance for each quarter of any 24-hour period effective August 1, 2015, is as follows:
- 5) Meal Allowance
 1. First quarter, 6 a.m. to 12 noon \$7.00 20% of GSA M&IE rate
 2. Second quarter, 12 noon to 6 p.m. \$10.50 30% of GSA M&IE rate
 3. Third quarter, 6 p.m. to 12 midnight \$17.50 50% of GSA M&IE rate
 4. Fourth quarter, 12 midnight to 6 a.m.
- 6) Total Daily Meal Reimbursement: \$35.00 per day if all 3 meals are eligible. Receipts are not required.

City of Wahpeton Employment Policies

Business meals are reimbursable expenses for new employee orientations, major anniversaries (e.g., 5, 10, 15 years of service, etc.), training sessions, meals with prospective new hires and department or team lunch meetings where business is conducted. Lunches for department or team meetings should be reasonable, both in terms of cost and frequency. The guideline for reimbursement of tips on business meals is 15 percent.

Submittal of Expense Report Forms

It is the employee's responsibility to prepare and submit any Expense Reimbursement Report to receive reimbursement for city related expenses.

Expense Reports should be submitted to their department head and referred to the Finance Director for approval prior to accounts payable. Requests are to include receipts, the explanation for the expense and should be made within 30 days. Meeting registration and or agendas must be included with the reimbursement request.

Documentation is required for all travel related expenses. Receipts, conference registrations, agendas and written statements shall be provided for all city related travel expenses.

City of Wahpeton Employment Policies

Facility Access Policy

The City of Wahpeton cares about the safety and security of its employees and citizens. In an effort to maintain the maximum safety and security possible at a minimum inconvenience, we have guidelines in place regarding facility access and visitors.

All entry doors to city buildings are to remain locked at all times with the exception of designated primary entry door(s) to each facility. Main entries to each city building with public access are open Monday through Friday from 8 a.m. until 5:00 p.m. unless alternative hours are approved and posted. All employees will receive a key to access their assigned building(s). Employees shall be responsible for the keys/fobs and or access cards granted to them, any lost or misplaced keys/fobs shall be reported to a supervisor immediately. Employees shall be accountable for all keys/fobs and access devices issued to them.

Outdoor storage areas, independent structures and materials staging areas shall be secured and access granted via standard operating procedures established by each department. Preservation of public property and public safety shall be maintained at all times.

All visitors are to be escorted by authorized personnel at all times. Do not allow visitors or vendors to roam any city premises unaccompanied or without prior authorization.

City of Wahpeton Employment Policies

Federal Family and Medical Leave Policy

As an employee of the City of Wahpeton, you may be eligible to take unpaid family and medical leave under the federal Family and Medical Leave Act (FMLA). This policy provides an introduction to the rights and provisions of the federal FMLA. An FMLA summary that is based on the Department of Labor's (DOL's) model notice is attached to this policy and further explains the FMLA. If you have questions regarding the FMLA, please contact your department head or the City Auditor's Assistant.

Eligibility

To be eligible for leave, you must have been employed by the city for at least 12 months. In the 12 months immediately preceding the beginning of the leave, you must also have worked at least 1,250 hours to qualify for federal FMLA. In addition, you must work in an office or work site where 50 or more employees are employed within 75 miles of that office or work site.

Amount of Leave Available

Eligible employees may take up to a total of 12 weeks of FMLA leave within a rolling 12-month period, measured backward from the date an employee uses any FMLA leave, for any combination of the following reasons:

- The birth of an employee's newborn child or the placement of a child with the employee for adoption or foster care
- To care for the employee's spouse, child or parent with a serious health condition
- The employee has a serious health condition that makes the him or her unable to perform the functions of their job
- A qualifying exigency that arises because the employee's spouse, child or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty)

Leave taken to care for a covered service member with a serious injury or illness, a spouse, child, parent or next of kin may be extended up to 26 weeks of unpaid FMLA leave during a single 12-month period. Eligible employees are limited to a total of 26 workweeks of FMLA-protected leave during that 12-month period. For example, an employee cannot take 26 workweeks of FMLA leave to care for a covered service member and then take 12 more weeks for other FMLA qualifying reasons.

Under the federal FMLA, spouses employed by the city are jointly entitled to a combined total of 12 weeks of leave for the birth of a newborn child, for the placement of a child for adoption or foster care and to care for a parent who has a serious health condition. The federal FMLA does not cover care for parents-in-law. Spouses employed by the city are jointly entitled to a combined total of 26 weeks of leave to care for a covered service member.

City of Wahpeton Employment Policies

Types of Leave Available

Birth or Placement for Adoption or Foster Care: FMLA leave is available to eligible male and female employees for the birth of a child or for the placement of a child with the employee for purposes of adoption or foster care. FMLA leave must be completed within 12 months of the birth or placement. This type of leave may not be taken intermittently or on a reduced schedule unless the city agrees to this request. See below for more details on non-continuous leave.

Serious Health Condition of Employee: If, as an eligible employee, you experience a serious health condition as defined by the FMLA, you may take medical leave under this policy (see “Definitions” for the definition of serious health condition). A serious health condition generally occurs when you:

- Receive inpatient care in a hospital, hospice or nursing home
- Suffer a period of incapacity accompanied by continuing outpatient treatment or care by a health care provider
- Have a history of a chronic condition that may cause episodes of incapacity

The following provisions apply to leave for the serious health condition of an employee:

- *Non-continuous leave*—Medical leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by your treating health care provider through our medical certification process (see below).
- *Fitness-for-duty statement*—A fitness-for-duty statement will be required in order for you to return from a medical leave. Failure to provide the statement will result in a delay in your return to work.

Serious Health Condition of Immediate Family Member: If, as an eligible employee, you need family leave in order to care for your child, spouse or parent who experiences a serious health condition as defined by the FMLA (see “Definitions” for definitions of child, spouse, parent and serious health condition), you may take a leave under this policy.

- *Non-continuous leave*—Leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by the family member’s treating health care provider through our medical certification process (see below).

Qualifying Exigency Because of Active Duty: If, as an eligible employee, you need family leave because of any qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on covered active duty in the Armed Forces (including the National Guard or Reserves), or has been notified that they will be called or ordered to covered active duty in the Armed Forces (including the National Guard or Reserves), you may take family leave under this policy. (See “Definitions” for a definition of qualifying exigency)

- *Non-continuous leave*—Family leave for any qualifying exigency arising out of the covered active duty of a family member may be taken all at once, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented through our certification process (see below).

City of Wahpeton Employment Policies

Service Member Family Leave: If, as an eligible employee, you need family leave to care for a covered service member who is your spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness, you may take up to 26 weeks of unpaid leave during a single 12-month period under this policy. (See “Definitions” for a definition of covered service member and serious injury or illness)

Effective March 8, 2013, an eligible employee may take service member family leave to care for a covered veteran who is the employee’s spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. (See “Definitions” for a definition of covered veteran)

- *Non-continuous leave*—Service member family leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by the family member’s treating health care provider through our medical certification process (see below).

Notifying the City of the Need for Family or Medical Leave

Generally, an application for leave must be completed for all leave taken under this policy. A non-emergency leave should generally be requested from your department head at least 30 days, or as soon as practical, in advance of the date the leave is expected to begin. In cases of emergency, you (or your representative, if you are incapacitated) should give verbal notice as soon as possible, and the application form should be completed as soon as practical. Failure to provide adequate notice may, in the case of foreseeable leave, result in a delay or denial of leave. It is your responsibility to notify your department head of absences that may be covered by the FMLA.

You must provide sufficient information regarding the reason for an absence for the city to know that protection may exist under this policy. Failure to provide this information will result in delay or forfeiture of rights under this policy. This means the absence may then be counted against your record for purposes of discipline for attendance or similar matters.

Medical Certification Process

In addition to an application for leave, you will be required to complete a medical certification form when leave is for a family member’s or your own serious health condition. The certification form needs to be signed by the health care provider. The short-term disability certification may be sufficient where the information required is duplicative. These forms are available from Department Head. Second or third certifications from health care providers and periodic recertification at the city’s or your expense may be required under certain circumstances.

We may also require periodic reports during federal FMLA leave regarding your status and intent to return to work.

Military Family Leave Certifications

In addition to an application for leave, you will be required to complete a Certification of Qualifying Exigency for Military Family Leave form when leave is for a qualifying exigency. A copy of the military member’s active duty orders or other military documentation may also be required to substantiate your need for FMLA leave.

If you request leave to care for a covered service member with a serious injury or illness, you will be required to complete a medical certification form, which must be signed by the service member’s health care provider. The certification form will request additional information, such as information regarding the relationship between you and the covered service member, to substantiate your need for FMLA leave.

City of Wahpeton Employment Policies

Substituting Paid Leave for Unpaid Leave

Federal FMLA leave is unpaid. The City of Wahpeton requires employees to exhaust all eligible paid leave concurrently with FMLA leave. Not all FMLA leave reasons are eligible for the use of sick leave, i.e. the adoption of a child is an eligible use of FMLA leave, it is not an eligible use of sick leave, the employee would be required to use vacation or unpaid leave.

Employees are not required to substitute sick leave or vacation leave for an absence covered by workers' compensation or a disability benefit plan. The workers compensation and or disability benefits are considered paid leave. Please reference the sick leave policy for more information.

Non-Continuous Leave

Intermittent or reduced leave will be permitted only when it is medically necessary or for a qualifying exigency, as explained above. In all cases, the total amount of leave taken in a calendar year should not exceed your total allotment as defined earlier in this policy.

Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent possible, medical appointments and treatments related to an employee's or family member's serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

If you request non-continuous federal FMLA leave which is foreseeable based on planned medical treatment for yourself, a family member or a covered service member, you may be required to transfer temporarily to an available alternative position offered by the city for which you are qualified and which better accommodates recurring periods of leave than your regular employment position. You will be entitled to equivalent pay and benefits, but will not necessarily be assigned the same duties in the alternative position. This provision may also apply if the city approves a non-continuous leave for the birth of a child or the placement of a child for adoption or foster care.

Benefit Continuation during Leave

The city will maintain your group health plan coverage and certain other employment benefits (such as group life insurance, AD&D insurance and health and dependent flexible spending accounts) during your FMLA leave on the same terms as if you had continued to work, if these benefits were provided to you before the leave was taken. You will be required to pay your regular portion of premiums – contact Department Head for an explanation of your options.

Benefits that are accumulated based upon hours worked will not accumulate during the period of FMLA leave. Sick leave and vacation accruals will be suspended while an employee is on leave.

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

Returning to Work

If the reason for FMLA leave is for your own serious health condition, you will be required to present a fitness-for-duty certification immediately upon return to work.

If you wish to return to work before the scheduled expiration of FMLA leave, you must notify the city of the change in circumstances as soon as possible, but no later than two working days prior to your desired return date.

If you exhaust all leave under this policy and are still unable to return to work, you must notify the city as soon as possible. Your situation will be reviewed to determine what rights and protections might exist under other city policies.

City of Wahpeton Employment Policies

Rights upon Return from Leave

Upon return from family or medical leave, you will be returned to the position you held immediately prior to the leave, if the position is vacant. Certain exceptions exist for key employees, as defined by law. If the position is not vacant, you will be placed in an equivalent employment position with equivalent pay, benefits and other terms and conditions of employment.

The law provides that an employee on leave has no greater rights than the employee would have had if the employee had continued to work. Therefore, you may be affected by a layoff, termination or other job change if the action would have occurred had you remained actively at work.

Other Types of Leave

If you do not qualify for the types of leave described in this policy, the city may approve a personal leave of absence, depending on your circumstances. Except where mandated by law, we cannot guarantee that benefits will continue or that your position will remain open in your absence.

Definitions

“Spouse”— A husband or wife as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into. This definition also includes an individual in a same-sex or common law marriage that was entered into in a state that recognizes these marriages. An opposite-sex, same-sex or common law marriage that was entered into outside of any state will be recognized if the marriage is valid in the place where it was entered into and the marriage could have been entered into in at least one state.

“Parent”—A biological parent, adoptive parent, stepparent, foster parent or an individual who provides or provided day-to-day care or financial support to the child. Parent does not include a parent-in-law under this law.

“Child”—A biological, adopted or foster child, stepchild, legal ward or a child who is receiving day-to-day care or financial support from the employee and is under the age of 18. Child also includes a person 18 years of age or older who is incapable of self-care because of a mental or physical disability. For military family leave, the child does not have to be a minor (under the age of 18) and can be of any age.

- “Incapable of self-care”—The child requires active assistance or supervision to provide daily self-care in three or more “activities of daily living,” or “instrumental activities of daily living,” including adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, eating or instrumental activities such as shopping, taking public transportation or maintaining a residence.
- “Physical or mental disability”—A physical or mental impairment that substantially limits one or more major life activities of the individual.

“Covered Service Member”— A member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness.

“Covered Veteran”—An individual who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

“Next of Kin”—Used with respect to an individual, this means the nearest blood relative of that individual, other than the spouse, parent or child.

City of Wahpeton Employment Policies

“Serious Health Condition”—Illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice or residential medical care facility.
- A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: 1) treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by or under the orders of a health care provider; or 2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider. The first (or only) visit must occur in person within seven days of the first day of incapacity.
- Any incapacity due to pregnancy or for prenatal care.
- Chronic conditions requiring periodic treatment by or under the supervision of a health care provider, which continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity (for example, asthma, diabetes and epilepsy).
- Permanent or long-term conditions requiring supervision for which treatment may not be effective (for example, Alzheimer’s, a severe stroke or the terminal stages of a disease).
- Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy) or kidney disease (dialysis).

“Serious Injury or Illness”—can be:

- In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.
- In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran and is:
 - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank or rating;
 - A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for service member family leave;
 - A physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

City of Wahpeton Employment Policies

- An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

“Qualifying Exigency”—includes:

- Short-notice deployment (seven days or less)
- Military events and related activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation (up to 15 days)
- Post-deployment activities
- Parental care
- Additional activities agreed to by the city and the employee

More Information

Please contact department head for additional information.

City of Wahpeton Employment Policies

Fraud Prevention & Investigation Policy

Purpose

The City of Wahpeton is committed to the highest standards of moral and ethical behavior by its employees, administrators, and elected officials. The purpose of this policy is to prohibit dishonest and/or fraudulent activity and to establish procedures for reporting fraudulent activities to city administrators. This policy details responsibility and assignment of internal city controls and investigations relating to fraud. Through all its levels of management, the city is responsible for the prevention and detection of fraud, misappropriation of city funds, or any other deemed inappropriate conduct. Any case of fraud detected or suspected will be reported immediately to the City Auditor, who will initiate an investigation into the matter, with other applicable departments and/or law enforcement agencies as deemed necessary. Any individual found to have engaged in fraudulent activity, as defined by this policy, will be subject to disciplinary action by the city, which may include dismissal and/or prosecution by the appropriate authorities.

Applicability

This policy applies to any fraud, or suspected fraud, involving employees, administrators, elected officials, as well as outside consultants, contractors, and vendors who have a business relationship with the city. This policy also applies to members of local boards, agencies, and commissions over which the city Council has authority of its general policies.

Prevention

All employees of the city are required to assist in the prevention of fraudulent activity, and remain committed to providing the highest quality of services to the citizens.

Definitions

Fraud is herein defined as the use of dishonesty, deception, or false representation in order to gain a material advantage or to injure the interest of others.

Examples include:

1. Forgery or alteration of any document or account belonging to the city.
2. Forgery or alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling or reporting of money or financial transactions resulting in the personal gain of any individual.
5. Disclosing confidential information to outside parties resulting in the personal gain of any individual.
6. Accepting or seeking material value from vendors, contractors, or other persons providing services/materials to the city.
7. Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment resulting in the personal gain of any individual.
8. Authorizing or receiving compensation for hours not worked.

Roles and Responsibilities

Employees – any employee who has knowledge or reason to suspect that any type of fraudulent behavior has occurred will notify his/her immediate supervisor. If the employee is not comfortable reporting this to his/her immediate supervisor, then he/she can report any suspicions directly to the department head. All employees will cooperate pursuant to this procedure and will not by any means personally investigate the suspected fraud. The City Auditor or investigating authority dictates the limits of all communication pertaining to the suspected fraudulent behavior.

City of Wahpeton Employment Policies

Supervisors – upon notification by an employee of suspected fraudulent behavior, the supervisor will notify his/her immediate supervisor or department head. The supervisor will not attempt to investigate the suspected fraud. The City Auditor or investigating authority dictates the limits of all communication pertaining to the suspected fraudulent behavior.

Department Head - upon notification by an employee or supervisor of suspected fraudulent behavior, the department head will immediately contact the City Auditor's Office. The Department Head will not attempt to investigate the suspected fraud. The City Auditor or investigating authority dictates the limits of all communication pertaining to the suspected fraudulent behavior.

City Auditor – upon notification by a department head of suspected fraudulent behavior, the City Auditor's Office will oversee and coordinate all actions taken during the course of the investigation. The City Auditor's office will coordinate the investigation with assistance and resources provided by the Police Department, the City Attorney, and any additional personnel deemed essential.

Police Department - upon notification by the City Auditor's Office, the Police Department will provide direct assistance in the course of the investigation. If suspected criminal fraud has occurred, the Police Department will assume primary responsibility for conducting the investigation, and coordinate with the Office of the City Attorney.

City Attorney – upon request by the City Auditor's Office, the City Attorney will provide legal advice and guidance to all persons who are directly involved in the investigation and reporting of the alleged fraud.

Procedures

- a) Any employee who has knowledge of an occurrence of fraudulent behavior, or has reason to believe that fraud has occurred, will notify his/her supervisor. All employees have a duty to cooperate during an investigation.
- b) Security of Evidence – after an initial review and determination that the suspected fraud warrants additional investigation, the City Auditor will take immediate action to prevent the theft, alteration, or destruction of pertinent records.
- c) Contacts / Protocols - the individual (s) assigned to conduct the investigation will notify the City Auditor after a preliminary review and a determination that the case warrants further investigation. The City Auditor will coordinate the investigation with the appropriate law enforcement officials, and the City Attorney.
- d) Confidentiality – All participants in a fraud investigation will keep the details and results of the investigation confidential. Applicable city staff will notify investigating personnel if review of records requires confidentiality.
- e) Personnel Actions – if suspected fraud is substantiated by the investigation, the city will take the appropriate action in conformance with its Personnel Policies and Procedures. Violations of the city's Fraud Policy will result in disciplinary actions up to and including dismissal.
- f) Retaliation – it is a violation of this procedure to retaliate against or penalize any individual for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Appropriate disciplinary action will be taken against those found retaliating against the employee.

Disposition of Investigation

At the conclusion of the investigation, the individual (s) conducting the investigation will document the results in a confidential memorandum prepared for the City Auditor and City Attorney. After review, a copy will then be provided to the appropriate department head.

Non-Fraud Irregularities

Allegations that fall outside the parameters of this policy, such as personal improprieties, whether moral, ethical, behavioral, safety or work environment related, should be resolved by communication between department heads and the Office of the City Auditor.

Funeral Leave Policy

The City of Wahpeton has taken into consideration the personal needs that arise from the death of an immediate family member. In the event of such a loss, an employee will be allowed up to four (4) days of leave with full pay until and including the day of the funeral. Funeral leave will not count against vacation or sick leave. Funeral leave pay will not be granted to employees attending a funeral during periods when they are not at work for other reasons, such as vacation, holidays and illness.

Immediate family includes: a father, step father, mother, step mother, spouse, child, step child, sister, brother, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent, grandchild, foster children or any relative who lives with the employee.

Vacation time shall be used to cover additional time needed/desired off.

Employees should notify their supervisor of the need to use funeral leave. Within a reasonable period of time, the employee may be required to provide verification of need, such as an obituary.

Temporary, seasonal and part-time employees are not eligible for funeral leave.

City of Wahpeton Employment Policies

Harassment Policy

The City of Wahpeton is committed to providing a workplace free from discrimination, harassment and retaliation. Therefore, the city will not tolerate harassment of any type based on race, color, religion, sex (including pregnancy), national origin, age (40 or older) disability, or genetic information and other characteristics protected under state, federal or local laws. Such conduct in any form is prohibited in the workplace, at work-related functions or outside of work if it affects employees in the workplace. This policy applies to all employees, clients, customers, guests, vendors and persons doing business with the city.

All employees must ensure they understand this policy and their obligations. Whether an employee's conduct violates this policy will be based how an employee's conduct is received and whether a reasonable person would find the conduct to be in violation of the policy.

Harassment is defined as unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment; or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing discrimination charges, testifying or participating in investigations, proceedings or lawsuits under these laws, or, for opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker or a non-employee.
- The victim does not have to be the person harassed, but can be anyone who is affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Appropriate performance reviews, counseling or discipline by your supervisor do not constitute harassment.

If you feel that you are being harassed, you should take the following steps:

- Tell the harasser that his or her actions are not welcome and that they must stop, if you feel comfortable enough to do so.
- Report the incident immediately to your department head.
- Report any additional incidents or retaliation that may occur to your department head.

All reports will be documented, investigated and addressed expediently by the department head and or City Auditor. Complaints and actions taken to resolve complaints will be handled as confidentially as possible. Appropriate actions will be taken to stop and remedy such conduct, including interim measures during a period of investigation.

Retaliating or discriminating against an employee who reports a suspected incident of harassment or who cooperates in an investigation is prohibited. Employees who violate this policy or retaliate against an employee in any way will be subject to disciplinary action, up to and including termination.

City of Wahpeton Employment Policies

Holidays & Holiday Pay Policy

The City of Wahpeton recognizes the same statutory holidays as identified by the North Dakota Governor's Office:

- a. January 1st, New Year's Day
- b. The 3rd Monday of January, Martin Luther King Jr. Day
- c. The 3rd Monday in February, President's Day
- d. The Friday preceding Easter Sunday, Good Friday
- e. The last Monday in May, Memorial Day
- f. July 4th, Independence Day
- g. The 1st Monday in September, Labor Day
- h. November 11th, Veteran's Day
- i. The 4th Thursday of November, Thanksgiving Day
- j. December 25th, Christmas Day
- k. Every day appointed by the President of the United States, the Governor of North Dakota or the Mayor of Wahpeton as a public Holiday.

Holidays that fall on Saturday will be observed on Friday and holidays that fall on Sunday will be observed on Monday.

Holiday is defined as 12:00 AM to 11:59 PM.

Police department and water treatment employees that work a statutory holiday as part of a recurring schedule shall be compensated at 1.5 times their regular hourly rate for the actual hours worked or granted compensatory time of an equal value.

Holidays falling within an employee's approved vacation period will not be considered as part of the vacation period.

Temporary/Seasonal & Part-time/Hourly employees are not eligible for holiday pay.

Employees under suspension will not earn credit for holidays occurring during the term of suspension.

In the event that a full-time or permanent part-time employee is called into work on a holiday that he/she is not normally scheduled to work, he/she will receive holiday pay in addition to compensation of hours worked at the rate of one and one-half times his/her regular rate of pay. This excludes police officers, sergeants, investigator and water department personnel.

Please refer to the Overtime Policy for further information.

City of Wahpeton Employment Policies

Hours of Work, Lunch and Break Periods

Work Week

The designated work week for all City employees is Saturday at 12:00 a.m. through Friday at 11:59 p.m. unless otherwise stated in City policy.

Each department head and/or supervisor will determine the schedule of hours for employees in their department. The department head/supervisor will inform employees of their daily schedule of hours of work, including meal periods and breaks, and of any changes deemed necessary or desirable.

Hours Worked

Employees shall be paid based on hours recorded on time sheets in 15 minute increments of time beginning at the top of every hour. All completed time sheets must be signed by the employee, reviewed and signed by the employee's department head and/or supervisor and forwarded to payroll for processing. Departments may submit a summary pay sheet for payroll processing in addition to individual signed time sheets. If signed individual time sheets are not provided, a payroll disbursement will not be processed. (Ref. 29 CFR Part 516/FLSA Recordkeeping Regulations)

Breaks

Employees are allowed an unpaid lunch break for each scheduled work day. Lunch breaks shall be determined by each supervisor or department head to accommodate city operations and work schedules. Meal breaks shall be not less than 30 minutes and not more than 60 minutes. Staggered meal periods may be necessary to ensure the continuity of operations and services.

Bona fide meal periods (typically lasting at least 30 minutes), serve a different purpose than coffee or snack breaks and, thus, are not work time and are not compensable.

Two paid rest periods of 5 to 15 minutes each are permitted each scheduled work day. The schedule for these breaks depends on the needs of each department and will be determined by immediate supervisors. Employees are subject to work demands during paid break periods and under no circumstances are breaks to be longer than 15 minutes or to be used to manipulate the number of hours worked, work period start or work period end times.

On-Call Status

Employees must be formally assigned to On-Call status by a supervisor and must respond to the required work site.

Employee's on-call will receive no compensation unless required to respond to the work site. If required to respond, the employee shall receive a minimum of two (2) hours return-to-work pay (at time and one half).

If an on-call employee is not able to respond to a call or is unable to contact their supervisor due to alcohol consumption, that employee may be subject to disciplinary measures up to and including termination.

Police Department On-Call Status

The Chief of Police shall designate sergeants and senior patrol officers as on-call officers. The schedule shall include on-call status.

To the extent possible, on-call officers shall be scheduled for no more than three (3) days on-call per month. To the extent possible, an officer's on-call days will be scheduled to coincide with days the officer is scheduled to work.

On-call officers may trade on-call days with other designated on-call officers, such trading must be on a purely voluntary basis.

City of Wahpeton Employment Policies

An officer on-call is to carry a working cell phone at all times while on-call.

An officer on-call shall:

1. remain within the home range of the cell phone;
2. answer the phone as soon as possible when it rings; and
3. maintain a 30-minute to station response time.

Public Works & Water Treatment Depts. On-Call Status

The supervisor shall designate employees to work on an on-call basis. The schedule shall include on-call status.

On-call employees may trade on-call days with other similarly trained employees as long as the on-call time is covered. Trading must be on a purely voluntary basis.

An employee on-call is to carry a working cell phone at all times while on-call.

An employee on-call shall:

1. remain within the home range of the cell phone;
2. answer the phone as soon as possible when it rings; and
3. maintain a 30-minute to work site response time

City of Wahpeton Employment Policies

Leave of Absence Without Pay Policy

The City of Wahpeton complies with all federal and state leave laws. However, when these laws do not apply or an employee does not meet the eligibility requirements, the City will consider an employee's request for a personal leave. This leave may provide up to four (4) weeks in a 12-month period. Each leave request will be considered on an individual basis.

An eligible employee who has completed at least 12 months of service and who is in good standing (is not under a Performance Improvement Plan or has not experienced any disciplinary action within the previous six months) may request personal leave. Personal leave time may be requested for reasons such as educational opportunities, to care for a family member or to spend time with a new baby or child placed in the home within the first 12 months of service and in situations not covered by other leave laws or city policies.

Leave approval or denial is done at the discretion of the employee's supervisor and department head. Personal leave is not granted for engaging in employment outside of the City of Wahpeton, pursuing an independent business venture or as additional leave after FMLA (or Non-FMLA) Medical Leave. This leave policy does not allow for intermittent leave.

Pay Status

An employee who is taking personal leave must exhaust all accrued time off prior to being placed in an unpaid leave status.

While using any form of paid time off, an employee will not continue to accrue time off. When all paid time off banks are exhausted, the leave will be unpaid.

Sick leave and vacation leave accrual will restart upon the employee's return to paid status.

Employee Benefits While on Leave

While an employee is on approved leave, the city will continue the employee's health benefits at the same level and under the same conditions as if the employee had continued to work, as long as the employee continues to pay the employee portion of the health care premium and other elective benefits.

While on unpaid leave, the employee must make this payment by mail to City Hall 1900 4th St. N. Wahpeton, ND 58075. The payment must be received by the first day of every month. A five (5)-day grace period applies. If full payment is not postmarked within the grace period, your benefits will be terminated.

If the employee fails to return to work as scheduled, the city may require the employee to reimburse the City of Wahpeton the amount it paid for the employee's health insurance premium during the leave. Exceptions may be made, at management's discretion, if the reason for not returning as scheduled is the continued serious health issue of the employee's family member or a circumstance beyond the employee's control. If the reason for not returning to work is the employee's own serious health issue, the employee must inform the company immediately. Upon receipt of this notice, the employee will be provided information pertaining to FMLA (or non-FMLA) leave options.

Job Restoration

There are no job restoration rights associated with personal leave. However, the city will make every attempt to reinstate an employee to the same position or a position with equivalent status, pay, benefits and other employment terms upon his or her return. In the event this cannot be done, the employee will receive written notice from their Department Head as soon as the determination has been made and no later than the employee's scheduled return date.

City of Wahpeton Employment Policies

Returning to Work

Employees are expected to be able to return to work by the end of their approved leave. If an employee on leave plans to return to work sooner than scheduled, the employee must notify his or her supervisor within two business days in advance of reporting to work.

Failure to Return to Work

Any employee who fails to return to work as scheduled will be considered to have voluntarily terminated his or her employment with the city. Employees who exceed their leave without approved extension may be subject to disciplinary action up to and including termination according to city attendance policies.

Failure to Follow Policy Requirements

Failure to comply with this leave policy will result in denial of the leave request. Absence without leave approval will subject the employee to disciplinary action up to and including employment termination.

City of Wahpeton Employment Policies

Media Relations Policy

The City of Wahpeton seeks to inform its residents, businesses and visitors by engaging in a proactive communications program. This program recognizes that one of the most effective and quickest ways to communicate city policies and activities to citizens is by working in partnership with the news media. Communications shall be succinct specific and purposeful, statements shall not deter confidence in public services.

Media inquiries include, but are not limited to, official statements, press releases and advertisements.

Inquiries from the news media are given a high priority by the City of Wahpeton and should be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and to ensure that all information released is accurate. The city will generally provide a response to media inquiries within 24 hours. Should the response require a detailed technical explanation, a spokesperson will be designated to address the issue. The spokesperson will be chosen carefully, based on their area(s) of expertise.

All City employees should notify their direct supervisor about media inquiries. The majority of City media requests are initiated when the media contacts elected officials, appointed officials or employees directly. Because the media often works on tight deadlines, it is important that all departments respond as soon as possible when a request is made for department information or a spokesperson for the media. Specific guidelines for responding to media requests follow.

Unless otherwise authorized, the City's spokespersons are:

- Mayor and City Council members
- City Finance Director
- City Attorney
- Department Heads or designees
- Emergency Operations Plan Designees
- Police Department and Fire Department Public Information Officers (Police and Fire have specific media policies that govern their procedures)
- Exceptions regarding departmental spokespersons may be made at the discretion of the Department Head.

Any media inquiries received by other City staff should be referred immediately to the Department Head/ Assistant. An appropriate response to the media would be, "I'm sorry I don't have the full information regarding that issue. I will give your request to my Department Head (or the Finance Director) who will respond to you as soon as he/she is available. "Please obtain the reporter's name, phone number (cell too if "in the field"), topic of story and deadline.

Litigation, Personnel and Election Issues: Generally, the business conducted by the City of Wahpeton is public, and therefore, is public information. Inquiries regarding pending litigation or exposure to litigation should be referred to the City Attorney's Office and the Finance Director. Inquiries regarding personnel-related information should be referred to the Department Head. Inquiries regarding election and campaign issues should be referred to the Finance Director or Assistant.

Personal Points of View: It is recognized that all employees have the right to their personal points of view regarding any issue. However, personal points of view may conflict with the city's official policy. Therefore, city employees who write letters to the editor of any newspaper may not use official city stationary. If an employee chooses to identify himself or herself as a city employee in any personal letter or email to the editor, he or she must include language which states the views set forth in the letter do not represent the views of the city, but rather, are the employee's personally held opinions.

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Disclaimers must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for a radio or television program unless the employee is officially representing the city. Employees who are representing the city in any of the above formats must identify themselves as an official spokesperson for the city.

General or Routine Issues: Broadcast media: Calls from broadcast media (TV and radio) should always be referred immediately to the employee's Department Head. Provide notification to the Finance Director's Office and coordinate a response including designating a spokesperson after consultation. Local print media: Calls from local print media regarding most departmental issues and programs may be handled by each department's Director or Assistant. On occasion the Director/Assistant may designate an employee in their department to respond to specific questions from print media.

City Initiated Information: Proactive media contact may be initiated through the Mayor or Department Heads. This includes issuing press releases and media advisories and personal contacts with reporters and editors for coverage. Departments seeking publicity for events or activities should provide copies of public service announcements, press releases, print fliers or photos to the Finance Director's Office prior to disbursement to the media – information intended for the public is also intended for City employees.

Council Conduct with the Media: Council members' comments to the media should be limited to the Council or Committee discussion. Personal opinions need to be clearly identified as personal opinions. It is important the integrity of City operations is consistently and accurately communicated to the media. Notice of media contact by an elected official should be provided to the Finance Director and or topic specific department head.

Public Safety Issues: Police and Fire Departments operate 24/7 and their work generates a high volume of media calls, those departments have designated sworn personnel as media spokespersons and follow specific guidelines when releasing information. Any media calls to other City staff regarding a Police or Fire issue should be referred immediately to the Police Department or Fire Department, as appropriate. All information released to the media by the Police and Fire Departments should be provided immediately to the Finance Director's Office or the Mayor.

City of Wahpeton Employment Policies

Military Leave Policy

City of Wahpeton employees who are members of the National Guard or Armed Forces Reserve shall be subject to call to service by the President of the United States, or are volunteers for service when ordered by proper authority to active noncivilian employment, are entitled to a leave of absence from such civil service for the period of such active service without loss of status or efficiency rating.

To be eligible, employees must be in the continuous employ of the City for ninety days immediately preceding the leave of absence; they shall receive twenty workdays each calendar year without loss of pay to meet their military service commitments.

The City requires that service members provide advance written or verbal notice to their Department Head for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances.

Any leave of absence necessitated by a full or partial mobilization of the reserve and National Guard or emergency state active duty, must be without loss of pay for the first thirty days thereof less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. If leave is required for weekend, daily, or hourly periods of drill for military training on a day in which the employee is scheduled to work, the employee must be given the option of time off with a concurrent loss of pay for the period missed or must be given an opportunity to reschedule the work period so that the period of training occurs during time off from work without loss of status or efficiency rating.

An employee who within ninety days after receiving a discharge other than dishonorable from active non civilian service, and who is not physically or otherwise incapacitated to perform the duties of the position formally held by the employee, applies for the position held by the person at the time of entering such active service, must be given such position or one of like seniority, status, and pay, and is immune from discharge from said position except for cause, as defined by the North Dakota Department of Veterans' Affairs for a period of one year after entering upon the duties of the person's civilian position. If an individual is not reemployed or discharged within one year without cause, he or she has the right to appeal to the Department of Veterans' Affairs under such rules and regulations as the administrative committee on veterans' affairs may promulgate. If the North Dakota Department of Veterans' Affairs finds that such person was not reemployed or was discharged within one year without cause, it may order the City to comply with the provisions of this chapter.

For specific details on these laws and corresponding guidelines, employees are encouraged to review the related laws and administrative rules.

The Uniformed Services Employment and Re-employment Act USERRA provides that returning service members are to be reemployed in the job that they would have attained had they not been absent for military service, (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to qualify for reemployment. If the service member cannot qualify for the "escalator" position, he or she must be reemployed, if qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position.

USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other similarly-situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

City of Wahpeton Employment Policies

- Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible
- 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

Health and pension plan coverage for service members is also addressed by USERRA. Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, they may be required to pay up to 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed. USERRA pension protections apply to defined benefit plans and defined contribution plans as well as plans provided under federal or state laws governing pension benefits for government employees. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the employer.

City of Wahpeton Employment Policies

Nursing Mothers Policy

As part of our family-friendly policies and benefits, the City of Wahpeton accommodates mothers who wish to express breast milk during the workday when separated from their newborn children.

For up to one year after the child's birth, nursing employees will be provided with reasonable break time to express breast milk during the workday. Nursing mothers who are returning from maternity leave should speak with their managers or supervisors regarding their needs. Supervisors will work with employees to develop a break schedule that is reasonable, accounts for needs that may vary from day to day and creates the least amount of disruption to the City's operations.

The City of Wahpeton will provide a private area, other than a bathroom, for nursing employees to express breast milk. Employees working offsite or in other locations will be accommodated with a private area as necessary.

Breaks to express milk will be paid. In addition to these breaks to express milk, employees may use normal break and lunch periods to accommodate additional nursing needs. Breaks to express milk shall be included on employee time records and shall not be included in overtime calculations.

If you have any further questions or concerns regarding this policy, please contact your department head or supervisor.

City of Wahpeton Employment Policies

Out of Grade Pay Policy

Any employee who has been formally appointed to a higher position classification with the city's adopted pay grade system, on an interim basis (a minimum of 2 weeks) shall be paid according to the pay grade assigned to the higher classification, but in no event, less than their current salary.

Out of grade placement will be at 1 step over the minimum of the temporarily assigned grade for each 5 years of service with the city.

The department head is responsible for notifying the payroll department in writing of the appropriate wage rate and the expected duration of the out of grade compensation.

City of Wahpeton Employment Policies

Outside Employment Policy

Employees are permitted to engage in outside employment subject to the following restrictions:

1. Any outside employment is secondary to city employment and shall not interfere with proper performance of city employment, except for military service obligations.
2. Employees will not accept pay or compensation from any other employer for time during which they are on duty with the city. The City Council has authorized employees who volunteer for the Wahpeton Fire Department to be exempted from this portion of the Outside Employment Policy.
3. Employees are prohibited from working on any city project, for any contractor or company that has a current contract with the city, or for an employer that would constitute a conflict of interest with the city. The employee's department head will be responsible to determine whether a conflict of interest exists.
4. Employees will not accept outside employment that requires the use of city equipment, facilities, uniforms, or materials.
5. Employees are prohibited from using sick leave while engaging in outside employment. Use of sick leave during an absence from the city for the purpose of outside employment is considered fraud and will be subject to disciplinary action up to and including termination.

For reasons of emergency notification, Workers' Compensation claims management, and avoidance of conflict of interest, any employee engaged in outside employment shall notify his or her supervisor of the name, location, and telephone number of the secondary employer.

It must be realized that employment with the city is the employee's primary responsibility. Outside employment will not be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime. Should the outside employment cause or contribute to any of these situations, it must be discontinued or the employee shall be subject to discipline, up to and including termination.

See Police Department Manual for further information.

City of Wahpeton Employment Policies

Overtime & Compensatory Time Policy

The City of Wahpeton must compensate all hourly, non-exempt employees one-and-a-half times their regular wage rate for all hours worked in excess of 40 hours each week.

The standard work week in the City of Wahpeton begins on Saturday at 12:01 AM and ends at midnight Friday. Unless otherwise specified, Every employee shall keep record of hours worked and leave time used on a signed and submitted time sheet for each pay period that is approved by the signature of their supervisor.

The standard work week for full-time employees is 40 hours, consisting of five consecutive eight-hour days, normally Monday through Friday. Flexible and or modified schedules may be established at the discretion of each department head, adequate coverage of all public services shall be maintained in the most efficient manner possible. Flexible scheduling shall be determined by the department head or may be requested by employee(s) and approved in writing by the department head. Work weeks are not to be scheduled in excess of 40 hours.

Please note the exception for fire and police personnel who are subject up to a 28 day work schedule as described in the Fair Labor Standards Act.

See Police Department Manual for further information.

At times, employees will be asked to work overtime to complete necessary work tasks. The employee's supervisor will notify the employee as early as possible regarding scheduling needs.

Employees who want to work more than 40 hours during a workweek must receive written authorization from their supervisor before working overtime.

Department heads are responsible for analyzing position descriptions to determine whether those positions are exempt or non-exempt from the overtime pay requirements of the Fair Labor Standards Act. The determination of status as exempt or non-exempt is included in the adopted salary scale and position description, if a position is not specified as exempt it shall be treated as non-exempt.

Exempt Employees

Exempt employees are not required to be compensated for overtime and are not subject to compensatory time. Supervisors have the discretion to allow exempt staff time off the job when they expend a significant amount of time beyond the regular 40 hour work week to meet unexpected or extraordinary work demands. Annual Leave must be used for non-sick leave absences from the office for more than 1 day at a time and adequate position coverage must be provided. Department heads shall exercise prudent care in assuring fairness in granting time off.

Non-Exempt Employees

Non-exempt employees must be paid overtime or granted compensatory time off at a rate not to exceed time and one-half for each overtime hour when the hours actually worked exceed forty hours in a designated work week. When determining the total number of hours worked, the time record must be rounded to the nearest quarter hour. For example, an employee who works 40 hours and 7 minutes would be paid 40 hours. An employee who works 40 hours and 8 minutes would be paid for 40 hours and 15 minutes. Annual leave, sick leave or other paid leave time, such as holidays are considered work time for purposes of determining overtime pay.

Exceptions may be made by the department head when a non-exempt employee is required to respond under non-scheduled or emergency situations.

City of Wahpeton Employment Policies

Compensatory Time Off

An employee required to work in excess of 40 hours in a work week may choose to accrue compensatory time off. Compensatory time is accrued at overtime rates. In example: an employee may be requested to work 44 hours during a work week; the employee may select to receive four (4) hours of overtime pay or they may select to accrue "comp time" equal to 1.5 times the hours over 40. Four (4) hours of overtime would allow the employee the option of accruing 6 hours of "comp time".

Employees and supervisors are responsible for recording the accrual and utilization of compensatory time on time sheets. Comp time may be accrued upon approval and kept on the books for the period of November 11th through November 10th but may not exceed 40 hours. When 40 hours of work is completed in a work week, additional hours shall be at overtime rates reached, further overtime is paid via payroll.

A non-exempt employee who has accrued compensatory time must, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than the average regular rate received by that employee during the past three years of employment or the final regular rate received by the employee, whichever is higher as required by FLSA.

An employee who has accrued compensatory time must be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the department.

Monetary payment for overtime worked should normally be provided at the end of the pay period in which it is earned. Payment may not be delayed for a period longer than is reasonably necessary for the employer to compute and arrange for payment of the amount due, and in no event may payment be delayed beyond the next pay day.

Prior supervisory approval to work overtime must be obtained by a non-exempt employee before working hours in excess of forty in a week. Failure to secure approval to work overtime may subject an employee to disciplinary action up to and including termination of employment.

City of Wahpeton Employment Policies

Personnel Records Policy

The City of Wahpeton strives to keep accurate and up-to-date personnel records.

Employee personnel files may include the following:

- Employee demographic information
- Job application
- Position description
- Resume
- Training records
- Salary history
- Disciplinary action records
- Performance reviews
- Coaching and mentoring records

To ensure the accuracy of your personnel records, please notify us immediately if any of the following changes:

- Name
- Address
- Telephone number
- Marital status
- Dependent status
- Tax status

Protected personal information is confidential and are not available to anyone outside of the city, unless you have personally authorized their release. Performance evaluations, job applications (with redaction), resumes, disciplinary action and salary history are public records. A release may not be necessary when reporting certain information as required by law or when an authorized governmental agency inspects files. Access to employee medical files is governed by HIPAA compliance regulations.

Employees are entitled to inspect and obtain copies (copying fee may be charged) of their personnel files. To obtain access to your records, contact the Auditor's Assistant.

Physical Examination Policy

The City of Wahpeton may require employees to undergo a mandatory, job-related medical examination to determine his or her fitness to perform the essential functions of the job position without endangering the health and safety of him- or herself and others. Employees may also be required to undergo a medical exam on other occasions such as when an employee has been exposed to unhealthful conditions, has requested an accommodation for a particular disability or has a questionable ability to perform essential functions due to a medical condition. The city may conduct voluntary medical examinations and health promotion activities as well. The records from these screenings will be kept confidential.

The city is responsible for the cost of the voluntary or mandatory medical examinations.

Please reference the Police Dept. Policy Manual for additional conditions.

City of Wahpeton Employment Policies

Problem Resolution Policy

The City of Wahpeton encourages the resolution of misunderstandings, problems, disputes and grievances in an informal manner whenever possible. In providing the best possible working conditions for employees, an honest and open atmosphere is required. Employees and their supervisors should have mutual respect for each other at all times.

Definition: A grievance is defined as any feeling of dissatisfaction or injustice in connection with one's employment situation, which is brought to the attention of a supervisor. If an employee disagrees with the established rules of conduct, policies, procedures, and practices of the city or any department of the city or employee; they can express this concern through the problem resolution procedure outlined herein. No employee will be penalized for voicing a complaint or for using the problem resolution procedure.

This procedure is an open means of communication, so no forms or statements involved will be placed in the employee's personnel file unless the resolution/solution leads to disciplinary action against an employee [see section on Disciplinary Guidelines]. Throughout this procedure, an employee may be accompanied, advised, and represented by another employee or by a representative chosen by the employee involved in the proceeding (N.D.C.C. 34-11.1-04.2)

Supervisors will strive to provide a positive atmosphere at all times. An employee's immediate supervisor cannot act on any problem unless they are aware of it, so grievances must be aired as soon as possible. The supervisor must communicate the issue to their department head. Employees are encouraged to offer positive and constructive criticism, and to take the following steps if they believe that a condition of employment or a decision affecting them is unjust or inequitable.

Step 1: When a problem comes up, the grievant should discuss the matter with the immediate supervisor rather than fellow employees. This should be done **within 5 working** days of the discovery of the problem.

Step 2: Work related problems can often be resolved or better understood by engaging an independent third party. With this in mind it is recommended the grievant call the Employee Assistance Program for counsel and guidance.

Step 3: The immediate supervisor will review the problem and any relating policies. If possible s/he will respond through discussion. If not, s/he will **respond within 2 working days, after notifying the Department Head.** (This response may be no more than a verbal statement to take the matter up with the next level of authority). It is suggested the immediate supervisor make note of this discussion, including the day and time the problem was reported and any steps which are to be taken.

EXAMPLE: A police officer complains to a sergeant that the work schedule clearly favors another officer. The sergeant states that s/he would like to review the history of scheduling before responding. The sergeant at this point would inform the Chief of Police of the complaint and the intent to resolve through research.

Step 4: If no satisfactory solutions can be arrived at through discussions in step 2, the grievant shall initiate a formal grievance process and approach the Department Head **within 5 working days with the problem.** This time, the grievance will be written out in duplicate, along with what the grievant sees as a satisfactory solution. Both copies will be signed by the department head and grievant, and each will keep a copy.

Step 5: The department head will re-assess the problem and meet with the grievant **within 5 working days** to further discuss the options for solutions. If no satisfactory agreement [for both parties] can be reached, the grievant may request consultation with the Finance, Personnel and Economic Development Committee who shall hear the appeal. In the

City of Wahpeton Employment Policies

event the grievant is a department head (Auditor, Public Works Director or Chief of Police) the Committee will handle the grievance utilizing steps 6 & 7 below.

Step 6: The request for this meeting will be written and will include documentation of the previous discussions held between the employee and next level supervisor, and the solutions proposed by each. It is to be **delivered to the Mayor before the next scheduled Council meeting** by the department head, so that the grievance may be referred to the Finance, Personnel and Economic Development Committee. If the Mayor feels there may be a conflict of interest, a Council Committee may be appointed to address the grievance.

Step 7: The committee **will set a date and time to examine the evidence** presented (written or oral) and to hear the arguments of both the next level supervisor and grievant and decide a resolution to the problem. The decision of the Council Committee will be provided to the grievant **no later than 10 working days following** the testimony. All decisions are final.

City of Wahpeton Employment Policies

Recruitment & Selection Policy

It is the goal of the City of Wahpeton to obtain the best qualified person to fill a vacancy.

Recruiting efforts must be planned and carried out in a manner that ensures open competition. Each vacancy announcement must be made known to the public by notice posted on the City website, advertised at least one time in the official newspaper, and any other appropriate cost effective methods.

All applicants must be considered on the basis of their job-related merits as relates to the position. The selection process shall include determination prior to the closing date of the number of applicants to interview, screening and ranking of applications, interviews, and reference checks.

The city reserves the right to fill job openings from within existing and or former qualified staff.

Persons eligible to receive veterans' preference are entitled to preference in employment, in accordance with N.D.C.C. ch. 37-19.1, through external recruitment and selection. Veterans' preference does not apply to internal recruitment and promotion.

Applicants who are not selected for a position will be notified via mail or email.

City of Wahpeton Employment Policies

Retirement Policy

The City of Wahpeton elected to join the North Dakota Public Employees Retirement System (NDPERS) Defined Benefit Retirement plan Effective January 1st, 2005. As an employee of a participating employer you are eligible to participate in NDPERS either as a mandatory participant or as an optional participant. If you work a minimum of 20 hours per week for 20 or more weeks of the year, are at least eighteen years of age, filling a permanent position that is regularly funded and not of limited duration, and are a classified city employee, you MUST participate in the defined benefit plan unless you waived participation in writing when the city of Wahpeton joined NDPERS. If you are an employee that is at least eighteen years old, are not covered under the above provisions and works as a part time temporary employee you may elect to participate in NDPERS but will be required to contribute the employee contribution of your “wages” and “salaries”.

Eligible mandatory employees hired on or after January 1st, 2005 are required to participate in NDPERS. While participating in NDPERS employees are required by North Dakota Century Code to contribute a minimum percentage of their “wages” and “salaries” and employers must also contribute a minimum percentage of the employees “wages” and “salaries”.

The Portability Enhancement Provision (PEP) allows you to “vest” in the employer contribution for cash distribution purposes. Contact Human Resources if you are interested in participating in PEP

Employees shall provide a minimum of 60 days advanced notice in writing, to their department head of their intention to retire from employment with the city. The City Auditor's Office will work with the employee to schedule the transition from working to retirement. Additional notice of the intention to retire may make the transition less eventful.

Employees will be paid out any vacation or compensatory time accrued. The retiring employee is responsible for arranging post- employment benefits including retirement payment options and or continuation (COBRA) of employee benefits after leaving employment.

City of Wahpeton Employment Policies

Safety Policy

The City of Wahpeton wants to ensure that our employees remain safe and injury-free at all times. The city expects our employees to refrain from horseplay, careless behavior and negligent actions. It is the city's policy to maintain a safe and secure working environment for all employees and clients.

While working, employees must observe safety precautions for their safety and for the safety of others. Employees are responsible for utilizing the Safety Policy Manual. All work areas must be kept clean, and free of clutter and debris. Any hazards or potentially dangerous conditions must be corrected immediately or reported to a supervisor.

If you are involved in an accident, you must:

- Report the accident to your supervisor or to City Hall immediately
- Obtain any necessary medical treatment
- Fill out an Accident Report, regardless of the severity of the injury
- If you must seek additional medical treatment, obtain your supervisor's consent before leaving the premises

Employees who fail to comply with this procedure may be subject to disciplinary action.

Refer to the Police Dept. Policy Manual for additional considerations.

City of Wahpeton Employment Policies

Service Complaint Response Policy

It is the City of Wahpeton's intent to provide a consistent proactive response when addressing service delivery complaints from residents. Evaluating complaints helps the city in following through on our commitment to provide high quality responsive public services.

The city defines the term "complaint" as any expression of dissatisfaction or grievance made by a member of the public about any City of Wahpeton product or service, not including a request for information.

Anonymous, baseless and or blanket statements will not be addressed.

The City of Wahpeton's employees will provide reasonable information and assistance to inquiries to ensure that complaints are made effectively. Complaints may be made in any of the following ways:

- In person
- Via telephone
- Via email
- Via mail

Complaints will be processed in a timely and efficient manner by the department head. Continuous improvement and training will be used to confirm complaints are resolved promptly and courteously. Managing our citizens' expectations realistically is our goal. This involves the careful examination of each complaint and the provision of a resolution offered on the basis of that analysis.

Complaints will be recorded and analyzed to ensure that our complaint management processes comply with this policy. Trends will be identified, and feedback will be provided to the relevant departments to improve current processes.

Our mission is to resolve citizen complaints immediately, rather than delaying the resolution. When necessary, citizens will be kept informed of the progress of their complaint and the city's internal escalation process.

When a citizen has exhausted his or her avenues for addressing the complaint within the city or finds those avenues unacceptable, he or she can be advised of external channels for escalation, such as presentation to the City Council requesting an ordinance or policy change.

City of Wahpeton Employment Policies

Severe Weather Policy

Unless you are informed otherwise, always assume that City of Wahpeton is open for business during normal hours. Use common sense and your best judgment, however, when traveling to work in severe weather. Some types of severe weather include blizzards, fog and tornadoes.

City Hall, the Library and or Police Department may choose to close during times of inclement weather or emergency, each department head shall provide notification to the Finance Director of their intention to close their facility. If the city is not going to open for the day, either you will be contacted, or the information will be communicated through other channels, i.e. local radio. Always use your discretion in getting to work. The city attempts to accommodate individual situations by allowing the use of compensatory time and vacation time in severe weather situations.

City of Wahpeton Employment Policies

Sexual Harassment Policy

The City of Wahpeton prohibits sexual harassment of any kind. This policy applies not only to employees, but also to citizens, customers, guests, vendors and anyone else doing business with the city. Any employee who feels that he or she has been a victim of sexual harassment, or who believes that he or she has witnessed sexual harassment, should (if possible) directly and immediately inform the harasser that the conduct is unwelcome and that he or she must stop. The victim should also notify their department head or City Auditor immediately.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, offensive remarks about a person's sex, and other verbal or physical conduct of a sexual nature. Such activities are illegal when:

- Submission is made a term or condition, either explicitly or implicitly, of an individual's employment
- Submission to or rejection by an individual is used as a factor in decisions affecting that individual's employment
- Their purpose or effect of interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment

Sexual harassment includes many forms of offensive behavior, including the harassment of a person of the same gender as the harasser. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct. Examples of sexual harassment include, but are not limited to, the following:

- Unwelcome sexual flirtation, advances or propositions
- Verbal comments related to an individual's gender or sexual orientation
- Explicit or degrading verbal comments about another individual or his or her appearance
- The display of sexually suggestive pictures or objects in any workplace location, including transmission or display via computer
- Any sexually offensive or abusive physical conduct
- The taking of or the refusal to take any personnel action based on an employee's submission to or rejection of sexual overtures
- Displaying cartoons or telling jokes which relate to an individual's gender or sexual orientation

It is important to the city that all employees are protected from harassment. Any incidents that are perceived as harassment will be investigated and appropriate action will be taken.

City of Wahpeton Employment Policies

Sick Leave Policy

City of Wahpeton understands that, at times, employees will need to be absent from work due to illness or other medical reasons. Because of this, we offer sick time to our employees.

If you are unable to report for work because of illness or for any other reason; you, a family member, or a personal representative is responsible for contacting your supervisor prior to or the first work day of absence. Explain that you will be absent and when you expect to return to work. You must keep your supervisor updated regarding the status of your return at all times. If your supervisor is unavailable when you call, contact your department head or City Hall.

Sick Leave

Beginning on the first of the month following 30 days of continuous employment with the city, all full-time employees are eligible to accrue sick time. Sick time accrues at the rate of one day per calendar month. Employees on sick leave for 4 weeks or more will not accrue leave while on leave. Unused sick leave may be converted to service credit upon retirement through ND PERS, because of this benefit/incentive, sick leave may accrue without limit. No pay is provided for unused sick leave at the end of employment.

Sick time is time away from work when you or one of your family members is sick or has a physician or dental appointment. Employees are not required to disclose a specific medical condition for using sick time. However, when you plan to use time for scheduled appointments, you must notify your supervisor as far in advance as possible.

Employees who require three or more days off due their own health issue or a health issue of a family member may be eligible for Family Medical Leave Act (FMLA) leave. For additional information reference the FMLA leave policy. Sick leave and or vacation leave must be used to receive a regular city paycheck during an FMLA qualified leave. A physician's statement verifying the medical need for an absence from work and the estimated date of return to work, will be required for any absences beyond 5 consecutive days (including weekends). Eligible use of sick leave after 5 consecutive days will be considered FMLA leave.

As an employee of the City of Wahpeton, if for any reason, the employee cannot perform essential elements of his/her job, and providing the City cannot provide reasonable accommodations, employment will be terminated.

Employees may use a maximum of 480 hours (12 weeks) of sick leave for a single or related medical event in a 12 month period. Employees with less than 480 hours of accrued sick leave may use vacation or unpaid leave. In the event an employee is unable to return to work after 12 weeks (480 hours) a review by the Personnel Committee may be requested by the employee or department head to consider a physician's statement with the prognosis of the employee's return to work. The Personnel Committee may approve an employee to use additional sick leave accruals to attain eligibility thresholds for long term disability benefits. Total sick leave compensation from the city in a 12 month period may not exceed 1,040 hours.

Employees that have applied and been approved for long term disability benefits (90 days), may not continue to collect sick leave, continuing employment will be re-evaluated.

If state or federal law requires a different arrangement, the City of Wahpeton will comply with all applicable state and federal laws. Questions about the City's sick leave policy should be directed to the City Auditor's Assistant.

Abuse of Sick Leave

Paid sick leave is provided as a financial buffer for employees who are too injured or ill to work, not as additional personal or vacation time. Abuse of sick leave is grounds for discipline, up to and including termination.

City of Wahpeton Employment Policies

Smoke Free Workplace Policy

The City of Wahpeton is committed to providing a safe and healthy workplace and to promoting the health and wellbeing of its employees. As required by City Ordinance No. 26-13 and also motivated by our desire to provide a healthy work environment for our employees, the following tobacco use policy shall apply to all employees.

The city prohibits smoking on all city premises in order to provide and maintain a safe and healthy work environment for all employees. The law defines smoking as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind."

The Smoke-Free Workplace policy applies to:

- All areas of buildings occupied by city employees.
- All city sponsored off-site conferences and meetings.
- All vehicles owned or leased by the city.
- All visitors (customers and vendors) to city premises.
- All contractors and consultants and/or their employees working on city premises.
- All temporary employees.

Employees who violate this policy will be subject to disciplinary action up to and including immediate discharge.

Resolving complaints about tobacco use:

- Any complaints about the application of the policy to the workplace should be brought to the attention of the department head for resolution.
- The complaint should be submitted in writing and identify specific objections. The department head will investigate the complaint and resolve it in accordance with the policy.
- No employee shall suffer any form of retaliation for raising a complaint or asking a question about this policy.

The Smoke Free Workplace Policy is intended to comply with requirements of the North Dakota Century Code Chapter 23, Section 12-09-11.

City of Wahpeton Employment Policies

Social Networking Policy

The City of Wahpeton is committed to maintaining a good relationship with its employees and the marketplace. The way the public views the city is vital to maintaining public services, gaining new business, retaining first-class employees, recruiting new employees and marketing our community services.

While the city has no intention of controlling employee actions outside of work, employees should practice caution and use discretion when posting content on the Web. Employees have the right to use social media for personal expression on their own time, and the city will not violate employee privacy by attempting to access content that has not been made available publicly. This policy serves as a notice on the practice of social networking for all employees to read and understand. As more concerns develop and legislation is released, this policy is subject to change.

The purpose of this policy is to:

- 1) To guarantee a constructive relationship between the city and its employees
- 2) To manage risk and preserve City of Wahpeton's positive reputation
- 3) To discourage the use of city time for personal social media activities
- 4) To promote awareness among employees of the number of individuals who can access information presented on social networking sites

Definitions

Social networking and *social media* refer to any activity that involves interaction in online communities. This interaction includes, but is not limited to, browsing profiles and photos, reading messages sent through social networking forums and participating in instant messaging services.

A *social networking profile* is a user's personalized page within a specific social networking site, usually containing personal information such as name, birthday, photo and interests.

Micro-blogging is the practice of publishing your recent whereabouts, thoughts or activities on a social networking site for other users to see. While not all social networking sites use micro-blogging, this is a primary focus of sites such as Twitter and Facebook.

Business purposes is considered using a social networking site for the city's gain, usually as a task or assignment given by a manager or supervisor. This can be done either through a specific city account on a given social networking site or through a personal account set up for the purposes of recruiting or marketing for the city.

The term *Working Hours* includes any time employees are being paid to conduct city business. This timeframe may vary based on job type and responsibilities.

Procedures

Prohibited Use

It is important that employees use their time at work for city purposes. Employees are not blocked from access to social networking sites on city computers because, under some circumstances, social networking is a powerful business tool that can be channeled to gain positive publicity for the city to research topics on behalf of public services. However, access to such websites should follow city policy. The following actions are prohibited during working hours:

- 1) Using social networking sites to conduct personal or non-city business with a city computer or device.
- 2) Browsing social networking sites for non-city business on city time with a city computer or device.

City of Wahpeton Employment Policies

- 3) Reading e-mail alerts regarding personal social networking account activity or using City of Wahpeton e-mail to correspond with personal social networking contacts.
- 4) Updating information, uploading photos or otherwise engaging with one's personal social networking profile for non-business purposes with a city computer or device.
- 5) Micro-blogging for a non-business purpose on a social networking site throughout the day, whether it is on a city-provided computer or a personal smart phone device.

Note: Activities related to police investigations are not subject to this policy.

Prohibited Conduct

Having your own individual social networking account and using it on your own time is certainly permissible. However, keep in mind that some actions on your personal site are visible for the entire social networking community and may no longer be considered private matters. The city has put in place a set of conduct guidelines to protect its public image and prevent the unwanted disclosure of sensitive information. Please follow these guidelines:

- 1) Do not use micro-blogging features to disclose trade secrets, publish internal reports, provide tips based on inside information or participate in other activities that may compromise the city's data integrity.
- 2) We urge you to consider resolving workplace grievances internally. If you choose to address a grievance using social media, we recommend you refrain from posting comments and materials that could be viewed as malicious, obscene, threatening, intimidating or that could create a hostile environment on the basis of race, sex, disability, religion or any other status protected by law.
- 3) We also recommend you refrain from posting any reckless or maliciously untrue comments. These communications may not be protected by law.
- 4) Do not impersonate the city or its employees, make statements on behalf of the City of Wahpeton without authorization, or make statements that can be construed as establishing the city's official position or policy on any particular issue.

As stated above, the purpose of this policy is to protect the city's brand and prevent the disclosure of confidential information. It is not the city's intent to interfere with its employees' legal rights. Whenever state or federal law govern an area of social media participation, the City of Wahpeton policies should be interpreted as to comply with them.

City of Wahpeton Employment Policies

Termination of Employment Policy

Notice of voluntary and in-voluntary termination is generally required in written form to describe or record the ending of an employer-employee relationship. When an employee, consultant, or contractor terminates his or her relationship with the City of Wahpeton, the immediate supervisor must notify Department Heads to take the following actions:

- a. All physical security access codes known by the worker must be deactivated
- b. All access rights and privileges to restricted areas and information systems must be immediately revoked.
- c. All City property must be returned, including but not limited to portable computers, Electronic communication devices, reference books, documentation, keys, magnetic access cards, equipment and credit cards.

The supervisor or payroll contact shall conduct the following activities:

- a. Discuss the status of fringe benefits, including health and life insurances, retirement, deferred compensation, and payments such as annual leave. The supervisor may wish to refer the employee to appropriate resources such as the Public Employees Retirement System and the Human resources Department.
- b. Arrange for the return of city property as listed above and referred to on the Employee Exit Checklist.
- c. Explain city practice regarding references required by future employers for those employees seeking other employment.
- d. Use this opportunity to explain when the employee can expect to be paid; if there will be a delay securing the final check, explain the reason for the delay.

Employee Exit Interview

Supervisors may conduct exit interviews with employees who are terminating their employment with the City. The purpose of an exit interview is to determine what motivated the employee to resign and, if possible, correct the situation. When an employee is resigning for personal or health reasons, the possibility of a family medical leave should be explored. Exit interviews of involuntarily dismissed employees may be waived.

Since employee resignations or terminations may indicate the need for improvement in some aspect of the business, exit interviews should determine:

- a. The reason why the employee is leaving in an effort so as to retain other employees with satisfactory job performance and reduce turnover.
- b. Any complaint the employee may have regarding city policy or conditions so that corrective action can be taken if possible, and communication practices within the city enhanced.
- c. Any difficulties the employee may have had regarding the employee's job or supervision received so that corrective action can be identified which will result in better selection, placement, and training of other staff.

City of Wahpeton Employment Policies

Resignation

Employees are expected to notify their supervisor of their intent to resign a minimum of two weeks in advance of the final day of employment. Employees are encouraged to consider informing supervisors of their plans or intent to resign as early as possible to facilitate orderly replacement planning and training.

Supervisors shall notify the City Auditor's Assistant in writing of any employee separations from employment.

The city will accept resignations of employees at any time. Employees are encouraged to submit their resignation in writing. The department head has the authority to modify the resignation date in an effort to manage budget dollars. Resignation dates incorporating annual leave will be evaluated, but the department head has the right to approve or disapprove such requests.

Dismissal (In-voluntary Termination)

Dismissals must be fully and clearly documented. The primary reference documents regarding dismissals are generally the job performance evaluation form(s) and the pre-action letter. Additional material, such as documents regarding other discipline, pre-action letter(s), statements made by the supervisor, other supervisors, other employees, citizens, the employee, other agencies, and examples or statements describing quality and quantity of work may also be necessary or advisable.

Employment with City of Wahpeton is on an "at-will" basis, which means that either an employee or City of Wahpeton may terminate the employment relationship at any time, for any reason, with or without cause.

City of Wahpeton Employment Policies

Vacation Policy - Annual Leave

During employment with the City of Wahpeton employees are eligible for numerous benefits that are an important part of their total earnings. Many of the benefits available to employees are provided at no cost, while some are available at a cost should the employee wish to participate.

A probationary or regular employee who is absent from work in a paid leave status continues to earn fringe benefits, including annual and sick leave. Benefits may be prorated if an employee works part time.

Leave Approval

Department heads have the authority to approve leave. This authority may be delegated to supervisors. Department heads will provide notice of their intent to use annual leave to the Mayor and applicable committee chair.

All individuals with authority to approve leave are responsible for the recordkeeping and verification on employee time sheets for the use of leave time.

Department heads have the authority to make eligibility determinations and approve paid or unpaid leave that qualifies for family medical leave. Individuals in positions with authority to approve leave for employees may be referred to as the "approving authority" throughout this policy.

Annual Leave

Employees begin to accrue annual leave from the first day of hire. Annual leave must be earned before it can be taken. A request for annual leave must be approved by the employee's supervisor before the employee is authorized to take the leave. A leave request can be denied if the absence would unduly disrupt the operations or services of the workplace or other City related purpose.

Full time employment is budgeted and based on 2,080 hours per year. Departments may choose to schedule employees for longer shifts but the maximum hours worked for all City employees is based on the equivalent of 52, 40 hour work weeks regardless of the length of their shift.

The annual leave schedule in relation to length of service is as follows:

<u>Years of Service</u>	<u>Annual Leave Accrued for Full-time Employees</u>
1st through 3rd	8 hours per month
4th through 7th	10 hours per month
8th through 12th	12 hours per month
13th through 18th	14 hours per month
19th and over	16 hours per month

An employee accrues leave for being employed for a fraction of a month. The number of annual leave hours earned by an employee for a fraction of a month must be in proportion to the total number of straight time hours the employee actually worked compared to the total number of normal working hours in the month. Annual leave may not be advanced. It must be taken in no less than 1/2 hour increments.

An employee may not be paid for unused annual leave while the employee remains in the service of the City.

When an employee is leaving the service of the City, the employee must be paid for all accrued hours of annual leave.

An employee will not be charged for leave that was previously granted on a day when the agency is subsequently closed due to emergency or inclement weather conditions.

City of Wahpeton Employment Policies

The maximum vacation balance is 200 hours. Hours earned in excess of 200 will be forfeited.

Employees with hours in excess of 200 will have 36 months from adoption of the policy manual to draw down hours accrued, after 36 months all hours in excess of 200 will be forfeited.

City of Wahpeton Employment Policies

Vehicle Use Policy

The City of Wahpeton provides vehicles for business use and provides reimbursement for city use of personal vehicles according to the following guidelines. The City of Wahpeton retains the right to amend or terminate this Policy at any time.

1. The City of Wahpeton employees may not drive any business vehicles without prior approval. Before being approved to operate a city vehicle, an employee's driving records will be reviewed, with consent of the employee, and the existence of a valid driver's license will be verified. Employees approved to drive on city business are required to inform the City of Wahpeton of any changes that may affect their legal or physical ability to drive or their continued insurability.
2. Employees holding jobs requiring regular driving for business as an essential job function, as a condition of employment, must be able to meet the driver approval standards of this policy at all times. For all other jobs, driving is considered only an incidental function of the position, and approval to operate a city vehicle or drive for business will be determined on an as-needed basis.
3. If possible, City vehicles will be permanently assigned to departments that have demonstrated a continued need for them. Additional vehicles are maintained in a motor pool for use by individual employees, as needed.
4. Employees who need transportation in the course of their normal work may be assigned a city vehicle for their use. All other employees needing transportation for city business may use vehicles assigned to their department or drawn from the motor pool. As a last resort, when no city vehicles are available, employees may use their own vehicles for business purposes with prior approval.
5. Employees who drive a vehicle on city business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines that occur as a result of their driving.
6. Nonemployees and nonbusiness passengers (e.g., family members and friends) are prohibited from riding in city vehicles.
7. Employees who use their personal vehicles for approved city business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation and insurance. Employees who operate personal vehicles for city business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for business use, when necessary as determined by their personal insurance agent. Department heads or supervisors may request proof of insurance.
8. Employees must report any theft, damage or malicious damage involving a city vehicle, regardless of the extent of the damage. Such reports must be made as soon as possible, but no later than 48 hours after the incident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.
9. Employees who are on-call on a 24-hour basis may be allowed to take a city vehicle home so they can respond as soon as possible. Such employees must provide a written acknowledgement that they fully understand that the vehicle is for city business use only and is not intended for personal use.
10. An employee is not permitted, under any circumstances, to operate a city vehicle or a personal vehicle for city business when any physical or mental impairment causes the

City of Wahpeton Employment Policies

- employee to be unable to drive safely. Additionally, employees shall not operate any city vehicle at any time, or operate any personal vehicle for city business, while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication or intoxication.
11. Employees may not use a hand-held cell phone while operating a vehicle whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages and text messages.
 - a. If city employees need to use their phones, they must safely pull over to the side of the road or another safe location.
 - b. Employees are required to:
 - i. Turn off cell phones, or put them on silent or vibrate before starting the car.
 - ii. Consider modifying voicemail greetings to indicate that you are unavailable to answer calls or return messages while driving.
 - iii. Inform associates and business partners of this policy as an explanation of why calls may not be returned immediately.
 12. As used in this section, "operation of a motor vehicle while distracted" means the operation of a motor vehicle by an individual who, while operating the vehicle, is engaged in an activity that:
 - a. Is not necessary to the operation of the vehicle; and
 - b. Actually impairs, or would reasonably be expected to impair, the ability of the individual to safely operate the vehicle.
 13. Violation of this section is an infraction and is punishable by a fine of not more than \$100.00.

State law reference – Similar provisions, N.D.C.C. § 39-08-25, 39-06.1-6(2)(d).

Refer to the Police Dept. Policy Manual for additional considerations.

City of Wahpeton Employment Policies

Workers' Compensation Policy

The City of Wahpeton will provide workers' compensation, a type of accident and injury insurance that compensates an employee for lost wages, medical expenses and permanent impairment that results from an injury arising out of or in the course of work.

1. Employees must report any work-related injury or disease immediately (or as soon as practicable) to their supervisor and or City Hall so that the necessary paperwork can be completed in a timely manner. Please note that under state laws, employees who fail to report work-related injuries in a timely manner may see a reduction or denial of their workers' compensation benefits.
2. In accordance with NDCC 65-01-11, if the City of Wahpeton, or a doctor has reasonable grounds to suspect an employee's alleged work injury was caused by the employee's voluntary impairment caused by use of alcohol or illegal use of a controlled substance, the employee may be requested to undergo testing to determine if the employee had alcohol or the controlled substance in their system at levels greater than the limit set by the United States Department of Transportation at the time of the injury. If the employee refuses to submit to a reasonable request to undergo a test to determine if the employee was impaired, the employee forfeits all entitlement to Workmen's Compensation benefits arising out of that injury.
3. The injured employee is responsible for keeping his or her supervisor informed of his or her injury status.
4. Each supervisor is responsible for keeping records of the days and hours of time lost. They are also responsible for reporting the date and time when an injured employee returns to work.

If an employee is able to return to work after an injury or illness for which he or she was receiving workers' compensation, the employee must provide documentation from his or her medical provider that either outlines any work-related restrictions or verifies that the employee is able to complete all job-related tasks.

In the event that an employee is able to return to work under restrictions, the city will make every reasonable effort to accommodate the employee's work ability and job responsibilities. If and when the medical provider removes all work restrictions, the employee is expected to perform his or her regular duties and will no longer receive workers' compensation benefits.

If an injured or ill employee requests accommodations that exceed reasonableness, employment may be terminated.

Employees may use accrued leave time instead of unpaid leave, if an employee receives wage replacement compensation they may reimburse the city for credit back of leave time used. Credit will be based on the employee's hourly wage rate, with time credited back equal to the dollars received by the city.