

RESOLUTION NUMBER 7289

WHEREAS, the Mayor and City Council for the City of Beatrice, Nebraska desire to adopt a Handbook for Non-Union Employees; and

WHEREAS, the Mayor and City Council desire to provide meaningful work opportunities, outline policies, denote specific benefits, and receive acknowledgement by employees of said opportunities, policies, benefits and other such related matters; and

WHEREAS, the Mayor and City Council desire to adopt the "City of Beatrice Handbook for Non-Union Employees".

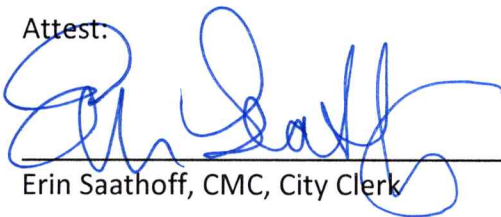
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the "City of Beatrice Handbook for Non-Union Employees", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution Number 6814, and all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 6th day of May, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



Handbook for Non-Union Employees

NOTICE

This Handbook for Non-Union Employees only applies to employees of the City of Beatrice or Beatrice Board of Public Works who are not subject to any of the various union negotiated employment contracts.

If you are an employee subject to collective bargaining rights and represented under one of the following union agreements:

International Brotherhood of Electrical Workers Local No. 1536 A.F.L. C.I.O;
Firefighters Union Local No. 1098; or Fraternal Order of Police Lodge 84,

then please refer to the rules set forth in such union agreements and to the policies adopted and approved by the City Council for the City of Beatrice.

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| PERSONNEL MANUAL RECEIPT | ERROR! BOOKMARK NOT DEFINED. |

CHAPTER ONE

Personnel Management

1.01 WELCOME

Welcome to the City of Beatrice ("City")! We want to thank you for joining our team. We believe that each employee contributes directly to the growth and success of our organization. We hope that the employment relationship that we share is a long and mutually rewarding one. The purpose of this handbook is to acquaint you with policies set forth by the City. This Handbook for Non-Union Employees states the intent of the Mayor, City Council, and the Board of Directors of the Board of Public Works in providing for the employment conditions and benefits for employees. You should familiarize yourself with the contents of this Handbook for Non-Union Employees, as you are responsible for abiding by the rules that are outlined within.

For convenience, in this handbook, we will refer to your employer as the City of Beatrice, City, we, our, or us. If you have questions regarding the material presented here, please feel free to ask your Superintendent, Department Head, or contact the City Administrator/General Manager.

Again, best wishes for success in your new position with the City!

1.02 LEGAL EFFECT

The policies in this manual are subject to change. Any changes in this manual shall apply to existing as well as future employees. If and when provisions are formally changed, there will be notification and appropriate replacement documentation will be provided. No statement or promise made by a Superintendent, Department Head, or City Administrator/ General Manager may be interpreted as a change in policy, nor will it constitute an agreement with an employee.

The employment relationship between you and the City is at-will, meaning that the employment relationship may be terminated, at any time, by the City or you for any reason or for no reason, with or without notice. Your employment with the City does not create a contractual relationship.

The City Handbook for Non-Union Employees is not a contract, expressed or implied.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

The City affirms its commitment to providing a work environment that does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, mental or physical disability, marital status, or national origin. The City will operate in full compliance with applicable federal, state, and local laws prohibiting discrimination in employment. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. Employees are encouraged to bring equal employment opportunity concerns to the attention of their Superintendent, Department Head, the City Administrator/General Manager, or the City Attorney.

1.04 SCOPE

The City is made up of several different departments. Any employee not subject to collective bargaining rights and represented under the International Brotherhood of Electrical Workers Local No. 1536 A.F.L. – C.I.O; Firefighters Union Local No. 1098; or Fraternal Order of Police Lodge 84, are subject to this handbook.

The following are exempted from this handbook:

The Mayor, City Council, and the Board of Directors of the Board of Public Works, members of appointive boards, commissions, committees, and independent contractors.

Temporary employees, interns, and citizen volunteers are not eligible for benefits under this Handbook for Non-Union Employees; however, they shall follow the policies set forth as they represent the City. These rules and regulations apply to all employees of the City except where, Civil Service Rules, state statutes, federal laws, or other City policies supersede this handbook.

1.05 CHANGES IN NAME, ADDRESS, AND DEPENDENTS

Employees shall report to the City Clerk or his/her designee any change of name, change in marital status, or any change in dependents. Also to be reported are any changes in address, telephone number, or information which will affect the personnel record of the employee. This information is required for insurance and tax purposes. The obligation to update the above-mentioned information shall continue after the employment relation has ended for purposes of notice, benefits, and other information.

1.06 NEPOTISM

Public trust, safety, and City morale require that the City maintain a policy that ensures a sense of fairness to the general public, as well as internal employees when it comes to the relationships of its employees. Accordingly, all City employees must abide by the "Nepotism Policy" as adopted by the City Council.

1.07 DRESS CODE

Clothing on the job must be in good taste, clean, neat, and reflect the requirements of the working conditions. A neat, well-groomed appearance is important to assure professionalism and competence in the workplace. First and foremost, common sense and safety must apply. Employees who are required to work in the outside elements should dress appropriately for their own protection. However, the clothing should be clean and well maintained. If an employee wears a uniform, the uniform should be worn properly and kept well maintained. The uniform identifies them as a City employee and proper care of the uniform reflects favorably on them, and the City. Uniforms should never be worn after hours in public where alcohol is served.

OFFICE/CLERICAL/RECEPTION:

Examples of appropriate dress for male employees include:

- Suits, sport coats, dress or casual slacks, dress shirts, polos, ties, and sweaters.
- Footwear should be in good repair.
- Hair should be clean and well kept. Facial hair should be neatly trimmed.
- Proper personal hygiene, such as bathing, brushing teeth, and using a deodorant or an antiperspirant, shall be followed.
- Hats shall not be worn by office/clerical/reception employees.

Examples of appropriate dress for female employees include:

- Dresses, skirts, casual or dress slacks, sweaters, blouses, polos, and jackets.
- Dresses, skirts, dressy or business Capri's and full skirts may not be more than two inches above the knee.
- Casual or dress shoes should be kept clean and well maintained.
- Footwear should be in good repair.
- Hair should be clean and well kept.
- Proper personal hygiene, such as bathing, brushing teeth, and using a deodorant or an antiperspirant, shall be followed.

Examples of Inappropriate Dress include:

- Jerseys, shorts, sweat suits, mini-skirts, halter styled tops or dresses, tube tops, exceptionally tight, low-cut, or revealing.
- Accessories and cosmetics should be worn conservatively.

Exceptions - Fieldwork

- Employees who are required to work out-of-doors during the winter months should wear appropriate footwear, including boots, and/or overshoes.

SUPERINTENDENTS/DEPARTMENT HEADS:

A number of Superintendents and Department Heads also work in the field and are exposed to the elements. Superintendents and Department Heads may abide by the same dress code requirements as applied to their department employees in the field. Superintendents and Department Heads should remember to dress appropriately for meetings, City Council/BPW Board Meetings, conferences, and other meetings outside the field.

Casual Day Wear:

The City Administrator/ General Manager may designate a day that employees can dress in casual attire.

Examples of Acceptable Casual Attire include:

- Jeans and capris (denim or other colored) that are clean, not tight or loose, not-faded, stained, torn, or ripped.
- Holiday/Seasonal sweatshirts/shirts or team wear sweatshirts/shirts.

Department Heads, Superintendents, or City Administrator/General Manager are responsible for ensuring that staff meets the dress code as stipulated. Staff wearing inappropriate clothing will be required to leave work and change into appropriate attire without compensation.

1.08 CONFLICTS OF INTEREST

No employee shall engage in any activity or enterprise which conflicts with his/her duties as a City employee or with the duties, functions, and responsibilities of the department in which he/she is employed. The following activities shall be considered as conflicts of interest with City employment:

- (a) Any employment, activity, or enterprise which involves the use, for private gain, of the City's time, facilities, equipment, or supplies;
- (b) Any employment, activity, or enterprise which involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act which the employee would be required or expected to render in the regular course of City employment or as a part of his/her duties as a City employee;
- (c) Any employment, activity, or enterprise which involves the performance of an act in other than his/her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such employee or the department by which he/she is employed; or
- (d) Any employment, activity, or enterprise which involves so much of the employee's time that it impairs attendance or efficiency in the performance of duties as a City employee.

1.09 CONTRACTS FOR GOODS OR SERVICES BETWEEN EMPLOYEES AND THE CITY

Pursuant to Nebraska Revised Statute §49-14,102, no City employee, a member of that individual's immediate family, or business with which the individual is associated, shall enter into a contract valued at two thousand dollars (\$2,000.00) or more, in any one (1) year, with the City unless the contract is awarded through an open and public process.

Any such employee who represents the City or the other contracting party subject to the statutory restriction stated above should report such a conflict to the City Administrator/ General Manager prior to any award of contract, execution of services, or delivery of goods.

Immediate family shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

1.10 OUTSIDE EMPLOYMENT

Employees may hold other employment outside of their City employment with prior approval from his/her Department Head, Superintendent, or the City Administrator/General Manager, as long as it does not interfere with the duties of the City job, their normal working hours, the

employee's efficiency is not hampered, and does not conflict with the interests of the City. Approval by the Department Head, Superintendent, or the City Administrator/General Manager shall be based on the nature of the outside employment, hours involved and any other appropriate information. This shall be done prior to acceptance of the outside employment. In any situation wherein extra duty will be necessary in an employee's normal City work, such extra duty shall be in a preference to his/her outside employment. No duties of the outside employment shall be carried on while the employee is on duty as a City employee.

1.11 ACCEPTANCE OF GIFTS AND FAVORS

No employee of the City shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the employee be influenced thereby.

1.12 DISCLOSURE OF CONFIDENTIAL INFORMATION

No employee of the City, without the approval of his/her Department Head, Superintendent, or the City Administrator/General Manager, shall disclose confidential information concerning the property, governance, or affairs of the City, nor under any circumstances, use such information to advance the financial or other private interest of himself/herself or others.

1.13 CONDUCT

Employees of the City shall:

- (a) Treat his/her Department Head, Superintendent, or the City Administrator/General Manager with appropriate respect for the positions they hold, and carry out all orders to the best of their ability without delay or argument;
- (b) Treat the public appropriately and conduct themselves in a professional manner so as to be a credit to the City, both on and off duty;
- (c) Be just and honorable in all their relations with each other. They shall not make false reports or gossip concerning, or to the discredit or injury of, another City employee, concerning City matters; nor shall they act in a manner directed toward creating a disturbance or dissension within City departments;
- (d) Not consume alcoholic beverages while on duty, or have in his/her possession any illegal drugs; or
- (e) Not engage in any form of illegal gambling on City property.

CHAPTER TWO

Employee Status, Evaluations, and Personnel Records

2.01 EMPLOYMENT CATEGORIES

Each employee is employed in a classification that is considered either "exempt" or "non-exempt". Non-exempt employees are entitled to overtime pay under the Fair Labor Standards Act for hours worked over forty (40) in the same workweek. Exempt employees are not entitled to such overtime pay. In addition to these distinctions, each employee will also fall into one of the following employment categories:

TEMPORARY/SEASONAL employees are those who are hired as interim replacements or seasonal help to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. While temporary employees receive all legally mandated benefits, such as worker's compensation and social security, they are not eligible for any other benefit programs offered by the City.

REGULAR PART-TIME employees are those that work less than forty (40) hours per week and are not seasonal/temporary or in their introductory period. Employees that work thirty (30) hours per week or more are eligible for health insurance benefits. Employees that work less than thirty (30) hours per week will not be eligible to take part in the City's health plan.

REGULAR FULL-TIME employees are those who are not in a temporary, probationary, or part-time status and who are regularly scheduled to work a full-time schedule with the City. These employees are eligible for the City's benefits program.

VARIABLE employees shall be considered as variable hour employees if, based on the facts and circumstances at the employee's start date, the City cannot determine whether the employee is reasonably expected to be employed on average at least thirty (30) hours of service per week during the initial measurement period because the employee's hours are variable or otherwise uncertain. Factors to consider in determining whether it can be determined that the employee is reasonably expected to be (or reasonably expected not to be) employed on average at least thirty (30) hours of service per week during the initial measurement period include, but are not limited to, whether the employee is replacing an employee who was a full-time employee or a variable hour employee, the extent to which the hours of service of employees in the same or comparable positions have actually varied above and below an average of thirty (30) hours of service per week during recent measurement periods, and whether the job was advertised, or otherwise communicated to the new employee or otherwise documented (for example, through a contract or job description) as requiring hours of service that would average at least thirty (30) hours of service per week, less than thirty (30) hours of service per week, or may vary above and below an average of thirty (30) hours of service per week. These factors are only relevant for a particular new employee if the employer has no reason to anticipate that the facts and circumstances related to that new employee will be different. In all cases, no single factor is determinative. For purposes of determining whether an employee is a variable hour employee, the applicable large

employer member may not take into account the likelihood that the employee may terminate employment with the applicable large employer (including any member of the applicable large employer) before the end of the initial measurement period.

2.02 PERFORMANCE EVALUATION

On at least an annual basis, employees shall receive a performance evaluation in writing conducted by his/her Department Head, Superintendent, or the City Administrator/General Manager. Performance evaluations are intended to hold employees accountable, provide feedback, and give direction in an effort to help them improve in their ability to perform their job duties.

2.03 PERSONNEL RECORDS

All employees may review their personnel record during normal business hours at City Hall by appointment. Record reviews must be accomplished under the supervision of the City Administrator/General Manager or his/her designee. No information may be added to or removed from the file without authorization from the City Administrator/General Manager. In the event such employee disagrees with anything inside their personnel record, employee may submit a rebuttal in writing to be placed in his/her personnel record.

CHAPTER THREE

Salaries, Pay Days, Pay Computation, and Deductions

3.01 SALARIES

All employees shall have their wages and/or salaries set by ordinance approved by the City Council annually.

All employees shall be paid on a bi-weekly basis, thereby constituting twenty-six (26) pay periods each year.

All employees may be eligible for performance-based salary increases. Performance based salary increases are recommended by an employee's Superintendent, Department Head, or the City Administrator/General Manager and approved by the Mayor. The Mayor and City Administrator/General Manager may alter an employee's wages during the course of the year for such increases as, including but not limited to, completion of probation, job reclassification, performance evaluations, certifications, or trainings.

3.02 PAY COMPUTATION

Persons employed on an hourly rate of pay shall be paid for the number of hours worked at the rate of pay assigned. Bi-weekly gross pay of an employee employed on an annual salary shall be computed by dividing the annual salary by twenty-six (26) pay periods. Net pay shall be computed by subtracting applicable deductions from the gross pay.

3.03 AUTHORIZED DEDUCTIONS

The following deductions shall be made from the employee's pay as required by law or because the employee authorizes such a deduction:

- (a) Federal Withholding Tax;
- (b) Social Security (FICA);
- (c) State Withholding Tax;
- (d) Pension Contributions;
- (e) Long Term Disability Insurance;
- (f) Flex Spending Accounts;
- (g) Wage garnishments; and
- (h) Dental, Vision, and Medical Insurance Premiums.

Contributions to charitable and civic organizations may be accomplished at the request of the employee.

3.04 DIRECT DEPOSIT

It is mandatory for all employees to have your net pay deposited directly to an account at the participating financial institution of your choice. Employees may deposit funds in separate accounts by dollar amount or by percentage.

3.05 EMPLOYEE INDEBTEDNESS

The final paycheck due any employee who shall be indebted to the City and shall not be issued until the extent of such indebtedness to the City has been determined and resolved.

3.06 FLEXIBLE SPENDING ACCOUNTS (FSA)

Flexible Spending Accounts ("FSAs") let you pay for certain health ("Health FSA") and dependent care expenses ("Dependent Care FSA") with pre-tax dollars. Employees may contribute to one (1) or both of the City's FSA accounts with pretax dollars and then receive reimbursement for qualifying expenses for them and their family. Pretax dollars are not subject to state or federal income taxes, or FICA taxes. This benefit saves the employee money by reducing their taxable income and increasing the employee's spendable income.

Your opportunity to enroll is within the first thirty (30) calendar days of your employment with the City or during the annual enrollment and change period. You must re-enroll every year in health and/or dependent care flexible spending. Changes can only be made during the enrollment and change period or at the time of a qualified life event. Contact the City Clerk if you have further questions.

CHAPTER FOUR

Benefits

None of the benefit policies set forth in this Chapter shall apply to any part-time, temporary, seasonal, or variable employees.

4.01 GROUP HEALTH, DENTAL INSURANCE, AND LONG TERM DISABILITY

- (a) Group health insurance shall be offered to full-time employees and their dependents; and such group health insurance shall be equivalent to the group health insurance provided to such employees subject to a union contract.
- (b) Term life insurance shall be provided for full-time employees in the benefit amount of one (1) times the employee's annual salary. Such life insurance shall not be provided for dependents.
- (c) If an employee, except Fire Captains, retires at the age of 62, 63 or 64, the retired employee and his or her dependents are eligible to continue coverage under the group health insurance plan described in Section (a) above until the retired employee either reaches the age of 65, becomes eligible for benefits under Title XVIII of the Social Security Act, or dies, whichever occurs sooner. The retired employee shall pay the cost of the premium for such coverage at the rate paid by the City for coverage for each full-time employee and their dependents. Eligibility for coverage will cease if the retired employee fails to make timely payment of any premium paid under this section.

Any Fire Captain who retires between the ages of 55 and 64, who is not covered by Medicare, and who has worked full-time for the City for a continuous period of 15 years is eligible for continued coverage under the City's group health insurance plan, at the expense of the retired Fire Captain. The coverage will consist of coverage which, as of the time the coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees who are currently employed by the City.

Any employee seeking to extend health insurance benefits beyond retirement must provide written notification to the City within sixty (60) calendar days of the date of retirement. Such extended coverage will be terminated if the required monthly premiums for coverage as determined by the City are not remitted to the City on or before the first day of each month, when the employee dies, when the retired employee reaches the age of 65, or when the retired employee becomes eligible for Medicare, whichever event occurs sooner, unless otherwise required by Federal law; and coverage will not be reinstated.

- (e) Health insurance coverage for dependents of retired employees shall terminate at the same time as Health Insurance coverage for the retired employee terminates and the dependents will not be offered further COBRA coverage.

- (f) City agrees to make available to the employee and his or her family Group Dental and Vision Coverage, at the expense of the employee, at the group rate through payroll deductions. The administration costs of the plan will be paid by the City.

4.02 LONG-TERM DISABILITY INSURANCE

All full-time employees shall have long-term disability insurance. All employees shall pay the premium for said long-term disability insurance. The City shall withhold the insurance premium for the long-term disability insurance from each employee's paycheck.

If an employee is receiving long term disability and they wish to receive the difference between their normal net wage after taxes and their long-term disability payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

4.03 RETIREMENT PLAN

All full-time employees not eligible to participate in either the Firefighters or Police Officers retirement plan shall be covered by a Defined Contribution retirement plan.

(a) Employees covered by the Defined Contribution Retirement Plan

- (i) Employee contributions shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours; provided, however, the employee shall have the option to contribute a maximum as described by Federal Law of the above-described gross pay. The City's contribution shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours.

Employee contributions shall be withheld from the employee's check bi-weekly.

- (ii) Upon an employee beginning to participate in the retirement plan offered by the City, the employee's contributions shall be vested with the employee immediately and the employer's contributions to the plan shall be vested with the employee at a rate of twenty-five percent (25%) each year.

Employees must remain in the plan as long as they are employed by the City.

- (iii) The employee must be eighteen (18) years of age and have six (6) months of continuous service before he or she is eligible for participation in this plan. Participation is mandatory when the employee becomes eligible.

- (b) For Employees covered by the Police Retirement Plan, the employee and City shall be governed by the provisions of State law and amendments thereto for such retirement plan.

- (c) For Employees covered by the Fire Retirement Plan, the employee and City shall be governed by the provisions of State law and amendments thereto for such retirement plan.

- (d) This plan is in addition to social security or any other plan the employee may have.
- (e) The Employees may contribute additional funds, up to the maximum allowed by federal law, into a 457 plan.

4.04 EDUCATION PLAN

The City shall follow the "City Education Policy" as adopted and amended from time to time by the City Council. Please refer any questions regarding the "City Education Policy" to the City Clerk or the City Administrator/General Manager.

4.05 REIMBURSEMENT FOR REQUIRED EMPLOYMENT LICENSING/TRAINING

Any employee who is required by the City to obtain and maintain a Commercial Driver's License ("CDL"), professional license, certification, or other required training of any type as required in the performance of the employee's duties shall be reimbursed for such costs. In the case of a CDL required for the operation of certain City-owned vehicles, such employees shall be reimbursed for the difference between the license fee cost for such CDL paid by such employee and the license fee amount charged by the State of Nebraska for a Class O operator's license.

4.06 HOLIDAYS AND PERSONAL LEAVE

- (a) The following holidays are observed by the City employees:

| | |
|-------------------------|------------------------|
| New Year's Day | Labor Day |
| President's Day | Veterans Day |
| Memorial Day | Thanksgiving Day |
| Independence Day | Day After Thanksgiving |
| Two days Personal leave | Christmas Day |

Employees, except Fire Captains, shall receive regular pay for each of the holidays listed above on which they perform no work. Whenever any of the holidays listed above fall on a Saturday, the preceding Friday shall be observed as the holiday, and whenever any of the holidays listed above fall on a Sunday the succeeding Monday shall be observed as the holiday.

Fire Captains shall receive an additional eight (8) hours pay at one and one half (1.5) times the employee's regular rate of pay for each of the holidays listed above.

- (b) Eligibility requirements. Employees shall be eligible for pay for any holiday falling within a pay period for which they receive compensation unless the employee is no longer employed for any reason prior to the holiday.
- (c) Holiday work. If an employee, except Fire Captains, works on any of the holidays listed above, he/she shall be granted an additional one and one-half (1.5) times his/her regular rate of pay, except for salaried employees. Salaried employees shall receive their base pay only.

If a Fire Captain works on any of the holidays listed above, he/she shall be paid at their regular rate.

(d) Personal leave.

- (i) Each employee, except Fire Captains, shall receive sixteen (16) hours of personal leave each year upon request for said leave from the employee's Superintendent, Department Head, or the City Administrator/General Manager. The time for scheduling said personal leave will be within the discretion of the Superintendent, Department Head, or the City Administrator/General Manager, but will, so far as possible, be granted at the time desired by the employee.

Fire Captains shall receive twenty-four (24) hours of personal leave each year upon request for said leave from the Fire Chief. The scheduling of said personal leave will be within the discretion of the Fire Chief, but will, so far as possible, be granted at the time desired by the employee.

- (ii) Personal leave shall be administered on a calendar year basis (January 1st to December 31st). Any employee starting after July 1st shall only receive half (1/2) of the personal leave they would normally receive for a year. Any unused personal leave shall not be carried over between calendar years and any unused personal leave shall be lost.

4.07 VACATIONS

- (a) Eligibility and allowances. All employees, except Fire Captains, shall earn vacation commencing at his/her original date of employment at the rate of:

| | |
|----------------------------------|-------------------|
| One (1) through Five (5) years | 80 hrs. per year |
| Six (6) through Ten (10) years | 120 hrs. per year |
| Eleven (11) years and thereafter | 160 hrs. per year |

An employee may carry up to two hundred forty (240) hours of vacation time. Employees shall not exceed two hundred forty (240) hours of accrued vacation time on December 31st of any year. If an employee exceeds two hundred forty (240) hours of accrued vacation time on December 31st of any year, then the City shall buy back the unused accrued vacation time in excess of two hundred forty (240) hours at the employee's current rate of pay. An employee may sell their vacation time back to the City at the employee's current rate of pay at any time. An employee may not sell more than eighty (80) hours of vacation time in a year.

Fire Captains shall earn vacation commencing at his/her original date of employment at the rate of:

| | |
|----------------------------------|-------------------|
| One (1) through Five (5) years | 144 hrs. per year |
| Six (6) through Ten (10) years | 192 hrs. per year |
| Eleven (11) years and thereafter | 264 hrs. per year |

Fire Captains may carry over the amount of vacation earned in the preceding year. Fire Captains shall not exceed the amount of accrued vacation time earned that year on December 31st of any year. If an employee exceeds said amount of accrued vacation time on December 31st of any year, then the City shall buy back the unused accrued vacation time in excess said amount at the employee's current rate of pay. An employee may sell their vacation time back to the City at the employee's current rate of pay at any time. An employee may not sell more than eighty (80) hours of vacation time in a year.

- (c) An employee shall accrue a prorated portion of their vacation hours per pay period and such employee shall be entitled to take such accumulated vacation subject to provisions herein.
- (d) Vacation time shall be approved by the employee's Department head, Superintendent, or the City Administrator/General Manager. Vacations will, so far as possible, be granted at a time desired by the employee, but the final right to allotment is reserved by the City to ensure continuity of services.
- (e) Vacation pay. The rate of vacation pay shall be the employee's regular straight time rate of pay in effect on the date immediately preceding the employee's vacation period.
- (f) Upon separation from the City for any reason, an employee shall have an amount of pay equivalent to his/her vacation hours earned but not taken, added to his/her final pay.

4.08 SICK LEAVE

- (a) Allowance. Employees, except Fire Captains, incurring any sickness or disability which renders such employee unable to perform the duties of his/her employment, shall receive sick leave with pay.
 - (i) Eligibility. Employees shall start to earn sick leave from their date of hire and shall be eligible to use sick leave after thirty (30) calendar days of service with the City Employees shall earn sick leave at the rate of eight (8) hours for each month worked.
 - (ii) Accumulation. Employees shall accumulate sick leave as long as they are in the service of the employer and may accrue up to one thousand forty (1,040) hours.
 - (iii) Unused Sick Leave. Two (2) weeks written notice of voluntary resignation from employment is required to be transmitted to the City Administrator/General Manager in order to be eligible to receive a payout for unused sick leave. If appropriate notice is not received in accordance with this section, the employee forfeits his/her unused sick leave. Two (2) weeks written notice shall not be required of employees leaving employment involuntarily. Employees providing appropriate notice as outlined above shall be compensated for one-half (1/2) of any accumulated unused sick leave hours when they are permanently separated from employment for any reason; provided, that employees shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours when they are permanently separated from employment as a result of retirement on or after reaching the age of fifty-five (55) or death. In event of death,

payment is to be made to the estate of the employee. The amount of payment for all unused sick leave is to be calculated at the employee's rate of pay in effect on the pay day immediately preceding the employee's separation.

Any employee with more than one thousand forty (1,040) hours of accumulated unused sick leave as of the first (1st) day of January of each year shall receive payment in amount equal to fifty percent (50%) of the value of employees' accumulated unused sick leave in excess of one thousand forty (1,040) hours. Value of employee's accumulated unused sick leave shall be the employee's rate of compensation times the number of accumulated sick leave hours in excess of one thousand forty (1,040) hours times fifty percent (50%).

- (b) Fire Captains incurring any sickness or disability, which renders such employee unable to perform the duties of his/ her employment, shall receive sick leave with pay.
- (i) Eligibility. Fire Captains shall start to earn sick leave from their date of hire and shall be eligible to use sick leave after thirty (30) calendar days of service with the employer. Fire Captains shall earn sick leave at the rate of sixteen (16) hours per calendar month.
 - (ii) Accumulation. Fire Captains shall accumulate sick leave as long as they are in the service of the employer and may accrue up to one thousand four hundred sixty (1,460) hours.
 - (iii) Unused Sick Leave. Two (2) weeks written notice of voluntary resignation from employment is required to be transmitted to the City Administrator/General Manager in order to be eligible to receive a payout for unused sick leave. If appropriate notice is not received in accordance with this section, the Fire Captain forfeits his/her unused sick leave. Two (2) weeks written notice shall not be required of employees leaving employment involuntarily. Fire Captains providing appropriate notice as outlined above shall be compensated for one-half (1/2) of any accumulated unused sick leave hours, up to a maximum of five hundred forty (540) hours, when they are permanently separated from employment for any reason; provided, that Fire Captains shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours, up to a maximum of seven hundred eighty (780) hours when they are permanently separated from employment as a result of 1) retirement on or after reaching the age of 55, or 2) retirement on or after reaching the age of 50 and having 20 years of service with the City, or 3) death. In the event of death, payment is to be made to the estate of the Fire Captain. The amount of payment for all unused sick leave is to be calculated at the Fire Captain's rate of pay in effect on the pay day immediately preceding the Fire Captain's separation.

Any Fire Captain with more than one thousand four hundred sixty (1,460) hours of accumulated unused sick leave as of the first (1st) day of January of each year shall receive payment in amount equal to 25% of the value of the Fire Captain's accumulated unused sick leave in excess of one thousand four hundred sixty (1,460) hours. The value of a Fire Captain's accumulated unused sick leave shall be the Fire Captain's rate of compensation times the number of accumulated sick leave hours in excess of one thousand four hundred sixty (1,460) hours times 25%. No Fire Captain shall receive payment for more than forty-eight (48) hours of unused sick leave in a year.

- (c) An employee may be required by the Department Head, Superintendent, or City Administrator/General Manager to submit a medical certification for any absence for which sick leave is taken. Failure to fulfill this requirement may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during any period of leave of absence without pay, or during a period if such leave is of one (1) month or more.
- (d) Release to return to work from a medical doctor is required after three (3) work days consecutive absence. Release may be required by the employee's Department Head, Superintendent, or the City Administrator/General Manager for any individual employee if an abuse of sick time is alleged.
- (e) The sick leave benefit is authorized only for illness, injury, or necessary appointments with doctors or dentists. If at all possible, the employee should notify his/her Department Head, Superintendent, or the City Administrator/ General Manager before work time of their inability to come to work for any of the above reasons.
- (f) Family Sickness and Disability. Due to sickness or disability in the employee's immediate family, defined as the employee's spouse, sons, daughters, mother, father, mother-in-law, or father-in-law, step-child, and person or persons the employee is guardian over, who are under the age of eighteen (18), and currently live in the employee's house, an employee may use up to ten (10) days of accumulated sick leave per year. If an employee misses three (3) consecutive work days due to the sickness or disability in the employee's immediate family, then the Department Head or City Administrator/General Manager may require a note from the employee's immediate family member's attending physician stating the illness or disability and expected duration.
- (g) Abuse of the sick leave benefit will not be tolerated and will be considered a reason for dismissal.

4.09 LEAVES OF ABSENCE WITH AND WITHOUT PAY

- (a) In the event of a death in the family, an employee, except Fire Captain, may be granted time off with pay at the discretion of his/her Department Head, Superintendent, or City Administrator/General Manager in accordance with the following schedule of maximum allowable times:

| | |
|--|----------|
| Employee's spouse or child | 40 hours |
| Employee's mother or father | 24 hours |
| Employee's mother-in-law or father-in-law | 24 hours |
| Employee's brother or sister | 16 hours |
| Employee's brother-in-law or sister-in-law | 16 hours |
| Employee's grandparent | 16 hours |
| Employee's grandchild | 24 hours |
| Employee's daughter-in-law or son-in-law | 16 hours |

In the case of other relatives or friends, an employee may be granted up to four (4) hours to attend a funeral in the City and up to eight (8) hours to attend a funeral outside the City. If the above is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum may be granted in cases in which the employee is a pallbearer.

- (b) In the event of a death in the family, a Fire Captain may be granted time off with pay at the discretion of the Fire Chief in accordance with the Firefighters Union Contract.

In the case of other relatives or friends, a Fire Captain may be granted time to attend the funeral up to a maximum of twelve (12) hours. If the above schedule is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum (24 hrs.) may be granted in cases in which a Fire Captain is a pallbearer.

- (c) Military Service. All employees who shall be members of the National Guard, Army Reserve, Naval Reserve, Marine Corp Reserve, Air Force Reserve, Coast Guard Reserve, shall be entitled to special leave in each calendar year. Employees who are normally scheduled to work more than one hundred fifty-nine (159) hours in a three (3) week period shall be entitled to one hundred sixty-eight (168) hours of military leave and employees who are normally scheduled to work less than one hundred fifty-nine (159) hours in a three (3) week period shall be entitled to one hundred twenty (120) hours of military leave.

An employee on such leave shall be entitled to full salary for such hours or any portion thereof. Such employees are entitled to additional military leave according to state law. During such leave of absence, the City shall not pay the health insurance premiums of the employee and the employee shall not be entitled to any of the benefits set forth in this Chapter.

- (d) Jury service. When an employee is called for jury service, he/she shall advise his/her Department Head, Superintendent, or City Administrator/General Manager upon receipt of such call, and, if taken from his/her work for such service, shall be paid by the City the difference between the jury service pay and his/her regular hourly rate, not to exceed eight (8) hours for each regular work day while serving. This also covers employees called and who report but do not actually serve. Salaried employees will be paid their normal salaries during jury duty less any jury service pay received by the salaried employee.
- (e) When an employee is subpoenaed as a witness, the employee shall immediately advise his/her Department Head, Superintendent, or City Administrator/General Manager of the service of such subpoena and the date and time such employee is required to appear in court. Such employee shall be granted sufficient leave of absence to enable him/her to make timely appearance in obedience to such subpoena and to return to his/her work after his/her release from further attendance in court. If the employee is a witness as a result of his/her employment with the City, such employee shall be paid by the City the difference between the witness fee and mileage paid at his/her regular rate for each hour in attendance in court, not to exceed eight (8) hours for each day while in attendance. If the employee is a witness for a case unrelated to his/her employment with the City, the employee may elect to utilize vacation hours to make up the difference between the witness fee and his/her normal hourly pay.

Salaried employees will be paid their normal salaries during court attendance and travel time less any witness fee received by the salaried employee.

- (f) Each employee shall receive no pay from the City for jury service or for attendance as a witness for days or hours which such employee is not scheduled for work.
- (g) Employees may be granted administrative leave to attend official functions of professional organizations at the discretion of Department Head, Superintendent, or the City Administrator/General Manager's discretion. Administrative leave granted to employees for this purpose shall be with pay to the extent of the normal workday or work-week. Employees who are granted time off at the discretion of their Department Head, Superintendent, or the City Administrator/General Manager due to inclement weather as outlined in the "Inclement Weather Policy" or other emergency shall be included in this section.
- (h) All employees shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries" and "Return to Work Policy for Non-Work Related Injuries", adopted by resolution of the City Council. Employees, except Fire Captains, who are injured or become ill as a result of the performance of their duties and are unable to perform their job duties shall be granted injury leave not to exceed three (3) of the employee's normal working shifts for any particular job-related illness or injury and the employee shall not be required to use sick leave for such injury leave. The City may require medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. Upon receipt of a release from the employee's attending physician, the Department Head, Superintendent, or City Administrator/General Manager may require the employee to report for work on light duty.
- (i) All Fire Captains shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries" and "Return to Work Policy for Non-Work Related Injuries", adopted by resolution of the City Council. Fire Captains who are injured or become ill as a result of the performance of their duties and are unable to perform their job duties shall be granted time off with pay for the first one hundred twenty (120) hours that he or she is absent from work and shall be required to use accumulated sick leave hours only for the portion of the time which is compensated by the City as described below during which he or she is absent from work in excess of one hundred twenty (120) hours for each such accident or other cause. The City shall deduct from the wages paid to the employee the amount the employee is entitled to receive pursuant to the Nebraska Workers' Compensation Act. The City may require medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. Upon receipt of a release from the employee's attending physician, the Department Head, Superintendent, or City Administrator/General Manager may require the employee to report for work on light duty.
- (j) If an employee is receiving workers compensation and they wish to receive the difference between their normal net wage after taxes and their workers compensation payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

(k) Employees will be covered by any "Family Medical Leave Act Policy", adopted by resolution approved by the City Council.

(l) Leave of Absence. Any employee who has maintained employment for a period of six (6) months may request in writing to the City Administrator/General Manager a leave of absence up to ninety (90) calendar days. Before any employee may request a leave of absence the employee must have exhausted all of their accumulated sick leave, personal leave, compensatory time, vacation time, and any applicable Family Medical Leave Act time. Any employee requesting a leave of absence must state the reason they are requesting a leave of absence in writing. While an employee is on leave of absence they shall not receive or accrue any compensation time, vacation time, sick time, personal leave, and the City shall not pay the employee, City shall not pay for the employee's health insurance, and the employee shall not receive any other benefits set forth in this Chapter.

An employee shall not be granted more than ninety (90) calendar days of a leave of absence during a rolling calendar year.

4.10 OVERTIME

(a) All non-salaried employees, except Fire Captains, shall be paid overtime at the rate of one and one half (1.5) times their regular hourly rate for all hours worked in excess of their regularly scheduled shift time, provided this is in excess of a forty (40) hour work week. The hours during the work week for which the employee was paid for vacation taken, leaves of absence, and sick leave taken shall not be considered as hours actually worked by the employee.

For all employees, compensatory time rather than overtime compensation may be given for all hours actually worked in excess of forty (40) hours in work week established for the employee.

Whether compensatory time is given in lieu of overtime payment shall be at the discretion of the Department Head; but compensatory time shall not be given unless first requested by the employee. Such compensatory time shall be at a rate of one and one half (1.5) hours of compensatory time for each hour of overtime worked. No employee shall accrue more than one hundred twenty (120) hours of compensatory time in a year. No employee shall use more than one hundred twenty (120) hours of compensatory time in a year.

(b) Fire Captains working "Kelly Days" will be paid for one hundred and six (106) hours of regular time and (6) hours of overtime for each pay period in which the Fire Captain works all scheduled shift hours, or uses any combination of vacation leave, holiday pay, personal leave, administrative leave, or comp time. Should the employee use sick leave, injury leave, funeral leave, military leave, or a leave of absence, such hours shall be reduced from the six (6) hour overtime calculation.

Examples:

1. Fire Captain works no additional overtime hours, takes 24 hours vacation, and uses 48 hours of sick leave. Fire Captain will be paid 112 regular hours of compensation and no overtime.
2. Fire Captain works 24 hours overtime, takes 24 hours vacation, and uses 3 hours of sick leave. Fire Captain will be paid 109 hours of regular time and 27 hours of overtime.
3. Fire Captain works 24 hours overtime, takes 8 hours of holiday pay, and 8 hours of personal leave. Fire Captain will be paid 106 hours of regular time and 30 hours of overtime.
4. Fire Captain works no overtime, and uses 8 hours of comp time. Fire Captain will be paid 106 hours of regular time and 6 hours of overtime.

The City shall maintain a list of hours worked by each Fire Captain. Upon the termination of "Kelly Days" or upon a Fire Captain's permanent separation from employment, the City shall verify the actual hours worked by the Fire Captain are equal to the hours the Fire Captain was paid. The City shall make adjustments for Fire Captains who were overcompensated or undercompensated after the date of termination of "Kelly Days" or upon the Fire Captain's permanent separation from employment.

CHAPTER FIVE

Operations

5.01 SAFETY

It is the goal of the City to provide a safe and healthful workplace for all employees. The City's policy is aimed at minimizing exposure to health or safety risks of employees and visitors at the City facilities. In order to accomplish this, each employee is expected to obey safety rules and to exercise caution in all work activities. Superintendents and Department Heads shall train their personnel to work safely. Each employee shall know what to do in case of fire or other disaster as well as the location and use of first aid supplies. Safety precautions include the observance of traffic regulations when driving or operating City vehicles and equipment.

Employees must immediately report any unsafe condition to their Department Head, Superintendent, or City Administrator/General Manager. Employees that violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their Department Head, Superintendent, or City Administrator/General Manager. Such reports are necessary to comply with laws and initiate worker's compensation benefits. Each employee will be given a copy of the "City Safety Manual". It is the intent of the City that this manual be read and reviewed for the safety of all employees.

5.02 CARE AND USE OF CITY PROPERTY AND EQUIPMENT

Property and equipment that is provided by the City to carry out the duties of day-to-day business is to be used in the way that it is intended. Any employee found to be responsible for damage, unauthorized use, or loss of property through negligence, carelessness, or abuse shall be subject to disciplinary action. No equipment, materials, or supplies shall be removed from their locations without the approval of the Department Head, Superintendent, or City Administrator/General Manager.

5.03 USE OF CITY OWNED VEHICLES

Department Heads, Superintendents, and other employees as designated by the City Administrator/General Manager may be allowed to use City owned vehicles as transportation to and from their home to their place of work in addition to use during normal duty hours. Such vehicles shall be used in accordance with the "Use of City-Owned or Leased Vehicles Policy" and shall not be used other than for official City business. These vehicles shall be kept clean and driven in a manner so as to conform with existing traffic regulations and to not bring discredit upon the City. Any employee who will have opportunity to drive a City owned vehicle must inform the City Administrator/General Manager of any change in their license status immediately.

5.04 USE OF SEAT BELTS

When traveling in a City owned vehicle or traveling in a personal vehicle while on City business, each employee shall wear safety belts and shoulder belts, if so equipped, to provide for the safety of the employee. Such requirement is established by law and the "City Safety Manual". Any employee found in violation of this policy shall be subject to disciplinary action.

5.05 REPORTING OF ACCIDENTS AND INJURIES

Employees shall report all on-the-job accidents and injuries to their Department Head, Superintendent, and the City Administrator/General Manager as soon as possible after the accident. Injuries of a minor "first aid" nature may be treated at the job site or department office. If the injury requires medical attention, the employee may consult his/her family doctor, as desired. Ambulance services shall be used to transport employees to a hospital if the accident or injury results in incapacitation of the employee. Within twenty-four (24) hours of the incident, the affected employee or his/her Department Head or Superintendent shall file an accident-injury report with the City Administrator/General Manager or his/her designee for insurance purposes.

Employees who have an accident with a City owned vehicle shall:

1. Contact local law enforcement to conduct an accident or related report;
2. Contact their Department Head, Superintendent, or the City Administrator/General Manager;
3. Refrain from any comments regarding who is at fault. Refer such questions to our insurance carrier; and

4. If the City employee is injured due to the accident, a First Report of Alleged Occupational Injury or Illness report shall be completed and provided to the City Administrator/General Manager or his/her designee within twenty-four (24) hours. This shall be done regardless of how minor the accident may be.

An employee may be required by his/her Department Head, Superintendent, or the City Administrator/General Manager to submit to a drug/alcohol test as soon as he/she is able to leave the scene of the accident.

CHAPTER SIX

Employee Technology Usage Policy

6.01 GENERAL

Employees of the City shall comply with the "Employee Technology Usage Policy" as adopted by the City Council.

CHAPTER SEVEN

Conferences, Travel, and Expenses

7.01 CONFERENCES - CONVENTIONS, TRAINING, AND MEETINGS

The City encourages the development of job skills by allowing participation in available training programs whenever possible and economically feasible.

All City employees must abide by the "Training Policy" as adopted and amended from time to time by the City Council for any requests to participate in, or be reimbursed for, any training or continuing education conferences, seminars, or meetings. Please refer to the "Training Policy" for the forms that must be submitted for any such requests.

Please refer any questions regarding the "Training Policy" to the City Clerk or the City Administrator/General Manager.

7.02 TRAVEL AND OFFICIAL EXPENSE

The City will reimburse for expenses that are necessarily incurred in the development and operation of our business. To be reimbursable, the expenses should have prior approval, be reasonable, supported by receipts, and the expense form must be properly completed and submitted within seven (7) calendar days after returning.

All expenses reimbursed are assumed to qualify for tax purposes as legitimate business expenses. A description is required by the Internal Revenue Service on all charges that include expenses other than those of the employee. The description of the business purpose should be recorded on the "Travel Expense Authorization & Reimbursement Request" form, including, as appropriate, seminar name or reason for trip, city, date of departure, date of return, and the sponsoring affiliate. Please refer to the "Training Policy" for a more detailed guideline.

CHAPTER EIGHT

Drug-Free Workplace Policy

8.01 TOBACCO USAGE

Tobacco use is prohibited by all persons in accordance with the "Tobacco Use Policy" as adopted by the City Council.

8.02 DRUG-FREE WORKPLACE

The City is committed to providing a safe work environment and prohibits the distribution, manufacture, possession, sale, use, transfer, transport, or purchase of illegal drugs, or being under the influence of alcohol or drugs at the workplace, on City premises, or in City vehicles. Accordingly, all City employees must abide by the "Drug-Free Workplace Policy" as adopted by the City Council.

CHAPTER NINE

Sexual and Other Unlawful Harassment Policy

9.01 OVERVIEW

The City is committed to providing a safe and comfortable work environment that is free from all forms of discrimination. Accordingly, all City employees must abide by the "Sexual and Other Unlawful Harassment Policy" as adopted by the City Council.

CHAPTER TEN

Employee Discipline

10.01 CORRECTIVE AND DISCIPLINARY ACTIONS

- (a) The employment relationship between you and the City is at-will, meaning that the employment relationship may be terminated, at any time, by the City or you for any reason or for no reason, with or without notice. The following section sets forth general guidelines regarding unacceptable conduct in the workplace. However, your employment with the City does not create a contractual relationship, and the City may terminate your employment regardless of whether you have engaged in unacceptable conduct as set forth below.
- (b) Employees are expected to act in a mature and professional manner while performing services for the City. Below is a partial list of behaviors that an employee may be disciplined for. Depending on the severity of the infraction, an employee may be subject to discipline up to and including termination. The following is a list, not all-inclusive, providing examples of unacceptable conduct:

- (1) Failure to observe safety rules and regulations.
- (2) Failure to report to work at the appointed time or place, or for departing prior to the designated time, including abuse of rest periods.
- (3) Solicitation, or distribution or display of, unauthorized literature while on City time.
- (4) Operating a personal business while on City time.
- (5) Intimidation or coercion.
- (6) Abuse or waste of City equipment, tools, or material.
- (7) Using abusive language or making false or malicious statements concerning any employee, the City, or its services.
- (8) Horseplay, loafing, or sleeping on the job. Employees working twenty-four (24) hour shifts may sleep as permitted by the Department Head.
- (9) Unauthorized posting, removing, or altering of bulletin board notices.
- (10) Violation of City or BPW written or verbal policies or procedures.
- (11) Unauthorized use or release of confidential, sensitive, or privileged information.
- (12) Intentional unavailability for or refusal to work over-time or respond to emergency call out.
- (13) Abuse of medical leave or other paid leaves.
- (14) Conduct unbecoming for a City employee.
- (15) Insubordination.
- (16) Theft of public or private property, or property belonging to the City.
- (17) Misappropriation of property belonging to the City.
- (18) Unlawful harassment.
- (19) Consumption or possession of alcohol or non-prescribed drugs on City time or property.
- (20) Being under the influence of alcohol or non-prescribed drugs while in the workplace.
- (21) Gambling or fighting on City time or property.
- (22) Conviction of a felony.
- (23) Demeaning, disruptive, or uncooperative conduct in the workplace.
- (24) Intentional or negligent damage or destruction of private or public property.
- (25) Fraud, falsification, or deceit in the conduct of City business.
- (26) Incompetence or unsatisfactory performance.
- (27) Unauthorized possession or use of firearms or hazardous materials on City time or property.
- (28) Work disruption or stoppage, strike, or other forms of job action or withholding of services.
- (29) Acts or threats of physical violence directed towards City officials or employees, or any other third party during work hours, duties, or functions.

CHAPTER ELEVEN

General Policies

11.01 POLITICAL ACTIVITY

City employees may not interfere or use the influence of their office for political reasons. They shall not participate in any political activity during normal working hours or when otherwise engaged in the performance of official duties. No employee shall engage in any political activity while wearing a uniform required by the City. While on duty as a City employee, no employee

may solicit or receive political contributions for himself/herself or for the benefit of other candidates or issues in any election. An employee may not represent themselves as an employee of the City while being involved in an outside political activity. City employees may not be a candidate or be elected to the office of Mayor or City Council while employed. Employee shall resign from employment with the City before filing for election to the offices of Mayor or City Council.

11.02 WORKERS' COMPENSATION

The City will comply fully with the Workers' Compensation Program that has been established under State statute. All employees shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries", adopted by resolution approved by the City Council. When accidents occur at work, they must be reported immediately to the Department Head or Superintendent and the appropriate paperwork filled out at that time and sent to the City Administrator/BPW General Manager or his/her designee. A Department Head must have prior knowledge and approve a doctor's visit. A doctor's report may be required to substantiate the injury. The City may provide light duty work when possible for a defined period of time for employees that are injured due to a work related situation. Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's FMLA entitlement.

11.03 EMPLOYEE'S FAMILY VISITATION POLICY

Employees are not permitted to watch their children or other children during work hours. Visitations by children must be approved by the employee's Department Head, Superintendent, or City Administrator/BPW General Manager. **The City of Beatrice is not responsible for any accidents or injuries that take place in or on any City property.**

11.04 DRIVING RECORD REVIEW POLICY

In order to minimize potential losses resulting from motor vehicle accidents involving a City-owned vehicle driven by a City employee, the City of Beatrice will review driving records in accordance with the "Driving Record Review Policy" as adopted by the Beatrice City Council.

11.05 SOCIAL MEDIA POLICY

Employees must remain cognizant of the fact that their social media posts may reflect upon the City. Accordingly, all employees shall abide by the guidelines set forth in the "Social Media Policy" as adopted by the City Council.

11.06 FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act of 1993 ("FMLA") provides certain employees with up to twelve (12) weeks of unpaid, job-protected leave per year. Please refer to the City's "FMLA Policy" for requirements and application.

CHAPTER TWELVE

Savings Clause

12.01 SAVINGS CLAUSE

If any provision of this policy handbook is declared, by proper legislative or judicial authority, to be unlawful, unenforceable, or not in accordance with applicable statutes or ordinances, all other provisions of this policy handbook shall remain in full force and effect for the duration of this policy handbook.

HANDBOOK FOR NON-UNION EMPLOYEES RECEIPT

I have received a copy or acknowledge that the City's Handbook for Non-Union Employees is available electronically and have either read it or had it read to me carefully. I understand all of its rules, policies, terms and conditions, and agree to abide by them realizing that failure to do so may result in disciplinary action and/or termination. I understand that the information contained in it represents management guidelines only, which may be modified from time to time. This Handbook is not a contract. I understand that neither the Handbook's policies nor any other representations made by a management representative or other City Official, at the time of hire or during employment, are to be interpreted as a contract between the City and any of its employees. I also understand that this Handbook supersedes all previous written and unwritten policies, including any previous Handbook. I further understand that my employment is at will, that I am free to resign at any time, and that the City may terminate the employment relationship whenever it determines that it is in its best interest to do so, and may do so with or without notice or cause. I further understand that my employment relationship can only be changed by a written agreement signed by the City Administrator/ General Manager. I understand that these policies, procedures, and statements may be changed at any time, with or without notice.

Employee Signature Date

Employee Name (printed)

Witness Signature Date

Witness Name (printed)

— Redline —



Handbook for Non-Union Employees

Adopted December 6, 2021
Resolution Number 6814

NOTICE

This Handbook for Non-Union Employees only applies to employees of the City of Beatrice or Beatrice Board of Public Works who are not subject to any of the various union negotiated employment contracts.

If you are an employee subject to collective bargaining rights and represented under one of the following union agreements:

International Brotherhood of Electrical Workers Local No. 1536 A.F.L. C.I.O;
Firefighters Union Local No. 1098; or Fraternal Order of Police Lodge 84,

then please refer to the rules set forth in such union agreements and to the policies adopted and approved by the City Council for the City of Beatrice.

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CHAPTER ONE

Personnel Management

1.01 WELCOME

Welcome to the City of Beatrice ("City")! We want to thank you for joining our team. We believe that each employee contributes directly to the growth and success of our organization. We hope that the employment relationship that we share is a long and mutually rewarding one. The purpose of this handbook is to acquaint you with policies set forth by the City. This Handbook for Non-Union Employees states the intent of the Mayor, City Council, and the Board of Directors of the Board of Public Works in providing for the employment conditions and benefits for employees. You should familiarize yourself with the contents of this Handbook for Non-Union Employees, as you are responsible for abiding by the rules that are outlined within.

For convenience, in this handbook, we will refer to your employer as the City of Beatrice, City, ~~Board of Public Works, BPW, City/BPW,~~ we, our, or us. If you have questions regarding the material presented here, please feel free to ask your Superintendent, Department Head, or contact the City Administrator/~~BPW~~ General Manager.

Again, best wishes for success in your new position with the City!

1.02 LEGAL EFFECT

The policies in this manual are subject to change. Any changes in this manual shall apply to existing as well as future employees. If and when provisions are formally changed, there will be notification and appropriate replacement documentation will be provided. No statement or promise made by a Superintendent, Department Head, or City Administrator/~~BPW~~ General Manager may be interpreted as a change in policy, nor will it constitute an agreement with an employee.

The employment relationship between you and the City is at-will, meaning that the employment relationship may be terminated, at any time, by the City or you for any reason or for no reason, with or without notice. Your employment with the City does not create a contractual relationship.

The City Handbook for Non-Union Employees is not a contract, expressed or implied.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

The City affirms its commitment to providing a work environment that does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, mental or physical disability, marital status, or national origin. The City will operate in full compliance with applicable federal, state, and local laws prohibiting discrimination in employment. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Anyone found to be engaging in any

type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. Employees are encouraged to bring equal employment opportunity concerns to the attention of their Superintendent, Department Head, the City Administrator/~~BPW~~ General Manager, or the City Attorney.

1.04 SCOPE

The City is made up of several different departments. Any employee not subject to collective bargaining rights and represented under the International Brotherhood of Electrical Workers Local No. 1536 A.F.L. – C.I.O; Firefighters Union Local No. 1098; or Fraternal Order of Police Lodge 84, are subject to this handbook.

The following are exempted from this handbook:

The Mayor, City Council, and the Board of Directors of the ~~BPW~~Board of Public Works, members of appointive boards, commissions, committees, and independent contractors.

Temporary employees, interns, and citizen volunteers are not eligible for benefits under this Handbook for Non-Union Employees; however, they shall follow the policies set forth as they represent the City. These rules and regulations apply to all employees of the City except where, Civil Service Rules, state statutes, federal laws, or other City policies supersede this handbook.

1.05 CHANGES IN NAME, ADDRESS, AND DEPENDENTS

Employees shall report to the ~~City Administrator/BPW General Manager~~City Clerk or his/her designee any change of name, change in marital status, or any change in dependents. Also to be reported are any changes in address, telephone number, or information which will affect the personnel record of the employee. This information is required for insurance and tax purposes. The obligation to update the above-mentioned information shall continue after the employment relation has ended for purposes of notice, benefits, and other information.

1.06 NEPOTISM

Public trust, safety, and City morale require that the City maintain a policy that ensures a sense of fairness to the general public, as well as internal employees when it comes to the relationships of its employees. Accordingly, all City/~~BPW~~ employees must abide by the "Nepotism Policy" as adopted by the City Council.

1.07 DRESS CODE

Clothing on the job must be in good taste, clean, neat, and reflect the requirements of the working conditions. A neat, well-groomed appearance is important to assure professionalism and competence in the workplace. First and foremost, common sense and safety must apply. Employees who are required to work in the outside elements should dress appropriately for their own protection. However, the clothing should be clean and well maintained. If an employee

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wears a uniform, the uniform should be worn properly and kept well maintained. The uniform identifies them as a City employee and proper care of the uniform reflects favorably on them, ~~the BPW,~~ and the City. Uniforms should never be worn after hours in public where alcohol is served.

OFFICE/CLERICAL/RECEPTION:

Examples of appropriate dress for male employees include:

- Suits, sport coats, dress or casual slacks, dress shirts, polos, ties, and sweaters.
- ~~Ties are not required on a daily basis. Ties should be worn when the employee is meeting with representatives from other companies, dignitaries, or for any other formal dress purpose.~~
- Footwear should be in good repair ~~and polished.~~
- Hair should be clean and well kept. Facial hair should be neatly trimmed.
- Proper personal hygiene, such as bathing, brushing teeth, and using a deodorant or an antiperspirant, shall be followed.
- Hats shall not be worn by office/clerical/reception employees.
- ~~Body piercing other than traditional earrings should not be visible while at work.~~
-

Examples of appropriate dress for female employees include:

- Dresses, skirts, casual or dress slacks, sweaters, blouses, polos, and jackets.
- Dresses, skirts, dressy or business Capri's and full skirts may not be more than two inches above the knee.
- Casual or dress shoes should be kept clean and well maintained.
- Footwear should be in good repair ~~and polished.~~
- Hair should be clean and well kept.
- Proper personal hygiene, such as bathing, brushing teeth, and using a deodorant or an antiperspirant, shall be followed.

Examples of Inappropriate Dress include:

- Jerseys, shorts, sweat suits, mini-skirts, halter styled tops or dresses, tube tops, exceptionally tight, low-cut, or revealing.
- Accessories and cosmetics should be worn conservatively.
- ~~Body piercing other than traditional earrings should not be visible while at work.~~

Exceptions - Fieldwork

- Employees who are required to work out-of-doors during the winter months should wear appropriate footwear, including boots, and/or overshoes.

SUPERINTENDENTS/DEPARTMENT HEADS:

A number of Superintendents and Department Heads also work in the field and are exposed to the elements. Superintendents and Department Heads may abide by the same dress code requirements as applied to their department employees in the field. Superintendents and

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Department Heads should remember to dress appropriately for meetings, City Council/BPW Board Meetings, conferences, and other meetings outside the field.

Casual Day Wear:

The City Administrator/~~BPW~~ General Manager may designate a day that employees can dress in casual attire.

Examples of Acceptable Casual Attire include:

- Jeans and capris (denim or other colored) that are clean, not tight or loose, not-faded, stained, torn, or ripped.
- Holiday/Seasonal sweatshirts/shirts or team wear sweatshirts/shirts.

Department Heads, Superintendents, or City Administrator/~~BPW~~ General Manager are responsible for ensuring that staff meets the dress code as stipulated. Staff wearing inappropriate clothing will be required to leave work and change into appropriate attire without compensation.

1.08 CONFLICTS OF INTEREST

No employee shall engage in any activity or enterprise which conflicts with his/her duties as a City employee or with the duties, functions, and responsibilities of the department in which he/she is employed. The following activities shall be considered as conflicts of interest with City employment:

- (a) Any employment, activity, or enterprise which involves the use, for private gain, of the City's time, facilities, equipment, or supplies;
- (b) Any employment, activity, or enterprise which involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act which the employee would be required or expected to render in the regular course of City employment or as a part of his/her duties as a City employee;
- (c) Any employment, activity, or enterprise which involves the performance of an act in other than his/her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such employee or the department by which he/she is employed; or
- (d) Any employment, activity, or enterprise which involves so much of the employee's time that it impairs attendance or efficiency in the performance of duties as a City employee.

1.09 CONTRACTS FOR GOODS OR SERVICES BETWEEN EMPLOYEES AND THE CITY

Pursuant to Nebraska Revised Statute §49-14,102, no City employee, a member of that individual's immediate family, or business with which the individual is associated, shall enter into

a contract valued at two thousand dollars (\$2,000.00) or more, in any one (1) year, with the City unless the contract is awarded through an open and public process.

Any such employee who represents the City or the other contracting party subject to the statutory restriction stated above should report such a conflict to the City Administrator/~~BPW~~ General Manager prior to any award of contract, execution of services, or delivery of goods.

Immediate family shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

1.10 OUTSIDE EMPLOYMENT

Employees may hold other employment outside of their City employment with prior approval from his/her Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager, as long as it does not interfere with the duties of the City job, their normal working hours, the employee's efficiency is not hampered, and does not conflict with the interests of the City. Approval by the Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager shall be based on the nature of the outside employment, hours involved and any other appropriate information. This shall be done prior to acceptance of the outside employment. In any situation wherein extra duty will be necessary in an employee's normal City work, such extra duty shall be in a preference to his/her outside employment. No duties of the outside employment shall be carried on while the employee is on duty as a City employee.

1.11 ACCEPTANCE OF GIFTS AND FAVORS

No employee of the City shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the employee be influenced thereby.

1.12 DISCLOSURE OF CONFIDENTIAL INFORMATION

No employee of the City, without the approval of his/her Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager, shall disclose confidential information concerning the property, governance, or affairs of the City, nor under any circumstances, use such information to advance the financial or other private interest of himself/herself or others.

1.13 CONDUCT

Employees of the City shall:

- (a) Treat his/her Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager with appropriate respect for the positions they hold, and carry out all orders to the best of their ability without delay or argument;

- (b) Treat the public appropriately and conduct themselves in a professional manner so as to be a credit to the City, both on and off duty;
- (c) Be just and honorable in all their relations with each other. They shall not make false reports or gossip concerning, or to the discredit or injury of, another City employee, concerning City matters; nor shall they act in a manner directed toward creating a disturbance or dissension within City departments;
- (d) Not consume alcoholic beverages while on duty, or have in his/her possession any illegal drugs; or
- (e) Not engage in any form of illegal gambling on City property.

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CHAPTER TWO

Employee Status, Evaluations, and Personnel Records

2.01 EMPLOYMENT CATEGORIES

Each employee is employed in a classification that is considered either "exempt" or "non-exempt". Non-exempt employees are entitled to overtime pay under the Fair Labor Standards Act for hours worked over forty (40) in the same workweek. Exempt employees are not entitled to such overtime pay. In addition to these distinctions, each employee will also fall into one of the following employment categories:

TEMPORARY/SEASONAL employees are those who are hired as interim replacements or seasonal help to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. While temporary employees receive all legally mandated benefits, such as worker's compensation and social security, they are not eligible for any other benefit programs offered by the City.

REGULAR PART-TIME employees are those that work less than forty (40) hours per week and are not seasonal/temporary or in their introductory period. Employees that work thirty (30) hours per week or more are eligible for health insurance benefits. Employees that work less than thirty (30) hours per week will not be eligible to take part in the City's health plan.

REGULAR FULL-TIME employees are those who are not in a temporary, probationary, or part-time status and who are regularly scheduled to work a fulltimefull-time schedule with the City. These employees are eligible for the City's benefits program.

VARIABLE employees shall be considered as variable hour employees if, based on the facts and circumstances at the employee's start date, the City cannot determine whether the employee is reasonably expected to be employed on average at least thirty (30) hours of service per week

during the initial measurement period because the employee's hours are variable or otherwise uncertain. Factors to consider in determining whether it can be determined that the employee is reasonably expected to be (or reasonably expected not to be) employed on average at least thirty (30) hours of service per week during the initial measurement period include, but are not limited to, whether the employee is replacing an employee who was a full-time employee or a variable hour employee, the extent to which the hours of service of employees in the same or comparable positions have actually varied above and below an average of thirty (30) hours of service per week during recent measurement periods, and whether the job was advertised, or otherwise communicated to the new employee or otherwise documented (for example, through a contract or job description) as requiring hours of service that would average at least thirty (30) hours of service per week, less than thirty (30) hours of service per week, or may vary above and below an average of thirty (30) hours of service per week. These factors are only relevant for a particular new employee if the employer has no reason to anticipate that the facts and circumstances related to that new employee will be different. In all cases, no single factor is determinative. For purposes of determining whether an employee is a variable hour employee, the applicable large employer member may not take into account the likelihood that the employee may terminate employment with the applicable large employer (including any member of the applicable large employer) before the end of the initial measurement period.

2.02 PERFORMANCE EVALUATION

On at least an annual basis, employees shall receive a performance evaluation in writing conducted by his/her Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager. Performance evaluations are intended to hold employees accountable, provide feedback, and give direction in an effort to help them improve in their ability to perform their job duties.

2.03 PERSONNEL RECORDS

All employees may review their personnel record during normal business hours at City Hall by appointment. Record reviews must be accomplished under the supervision of the City Administrator/~~BPW~~ General Manager or his/her designee. No information may be added to or removed from the file without authorization from the City Administrator/~~BPW~~ General Manager. In the event such employee disagrees with anything inside their personnel record, employee may submit a rebuttal in writing to be placed in his/her personnel record.

CHAPTER THREE

Salaries, Pay Days, Pay Computation, and Deductions

3.01 SALARIES

All employees shall have their wages and/or salaries set by ordinance approved by the City Council annually.

All employees shall be paid on a bi-weekly basis, thereby constituting twenty-six (26) pay periods each year.

All employees may be eligible for performance-based salary increases. Performance based salary increases are recommended by an employee's Superintendent, Department Head, or the City Administrator/~~BPW~~General Manager and approved by the Mayor. The Mayor and City Administrator/~~General Manager~~ may alter an employee's wages during the course of the year for such increases as, including but not limited to, completion of probation, job reclassification, performance evaluations, certifications, or trainings.

3.02 PAY COMPUTATION

Persons employed on an hourly rate of pay shall be paid for the number of hours worked at the rate of pay assigned. Bi-weekly gross pay of an employee employed on an annual salary shall be computed by dividing the annual salary by twenty-six (26) pay periods. Net pay shall be computed by subtracting applicable deductions from the gross pay.

3.03 AUTHORIZED DEDUCTIONS

The following deductions shall be made from the employee's pay as required by law or because the employee authorizes such a deduction:

- (a) Federal Withholding Tax;
- (b) Social Security (FICA);
- (c) State Withholding Tax;
- (d) Pension Contributions;
- (e) Long Term Disability Insurance;
- (f) Flex Spending Accounts;
- (g) Wage garnishments; and
- (h) Dental, Vision, and Medical Insurance Premiums.

Contributions to charitable and civic organizations may be accomplished at the request of the employee.

3.04 DIRECT DEPOSIT

It is mandatory for all employees to have your net pay deposited directly to an account at the participating financial institution of your choice. Employees may deposit funds in separate accounts by dollar amount or by percentage.

3.05 EMPLOYEE INDEBTEDNESS

The final paycheck due any employee who shall be indebted to the City and shall not be issued until the extent of such indebtedness to the City has been determined and resolved.

3.06 FLEXIBLE SPENDING ACCOUNTS (FSA)

Flexible Spending Accounts ("FSAs") let you pay for certain health ("Health FSA") and dependent care expenses ("Dependent Care FSA") with pre-tax dollars. Employees may contribute to one (1) or both of the City's FSA accounts with pretax dollars and then receive reimbursement for qualifying expenses for them and their family. Pretax dollars are not subject to state or federal income taxes, or FICA taxes. This benefit saves the employee money by reducing their taxable income and increasing the employee's spendable income.

Your opportunity to enroll is within the first thirty (30) calendar days of your employment with the City or during the annual enrollment and change period. You must re-enroll every year in health and/or dependent care flexible spending. Changes can only be made during the enrollment and change period or at the time of a qualified life event. Contact the City Clerk if you have further questions.

CHAPTER FOUR Benefits

None of the benefit policies set forth in this Chapter shall apply to any part-time, temporary, seasonal, or variable employees.

4.01 GROUP HEALTH, DENTAL INSURANCE, AND LONG TERM DISABILITY

- (a) Group health insurance shall be offered to full-time employees and their dependents; and such group health insurance shall be equivalent to the group health insurance provided to such employees subject to a union contract.
- (b) Term life insurance shall be provided for full-time employees in the benefit amount of one (1) times the employee's annual salary. Such life insurance shall not be provided for dependents.
- (c) If an employee, except Fire Captains, retires at the age of 62, 63 or 64, the retired employee and his or her dependents are eligible to continue coverage under the group health insurance plan described in Section (a) above until the retired employee either reaches the age of 65, becomes eligible for benefits under Title XVIII of the Social Security Act, or dies, whichever occurs sooner. The retired employee shall pay the cost of the premium for such coverage at the rate paid by the City for coverage for each full-time employee and their dependents. Eligibility for coverage will cease if the retired employee fails to make timely payment of any premium paid under this section.

Any Fire Captain who retires between the ages of 55 and 64, who is not covered by Medicare, and who has worked full-time for the City for a continuous period of 15 years is eligible for continued coverage under the City's group health insurance plan, at the expense of the retired Fire Captain. The coverage will consist of coverage which, as of the time the coverage

is being provided, is identical to the coverage provided under the plan to similarly situated employees who are currently employed by the City.

Any employee seeking to extend health insurance benefits beyond retirement must provide written notification to the City within sixty (60) calendar days of the date of retirement. Such extended coverage will be terminated if the required monthly premiums for coverage as determined by the City are not remitted to the City on or before the first day of each month, when the employee dies, when the retired employee reaches the age of 65, or when the retired employee becomes eligible for Medicare, whichever event occurs sooner, unless otherwise required by Federal law; and coverage will not be reinstated.

- (e) Health insurance coverage for dependents of retired employees shall terminate at the same time as Health Insurance coverage for the retired employee terminates and the dependents will not be offered further COBRA coverage.
- (f) City agrees to make available to the employee and his or her family Group Dental and Vision Coverage, at the expense of the employee, at the group rate through payroll deductions. The administration costs of the plan will be paid by the City.

4.02 LONG-TERM DISABILITY INSURANCE

All full-time employees shall have ~~long-term~~long-term disability insurance. All employees shall pay the premium for said ~~long-term~~long-term disability insurance. The City shall withhold the insurance premium for the long-term disability insurance from each employee's paycheck.

If an employee is receiving long term disability and they wish to receive the difference between their normal net wage after taxes and their long-term disability ~~payment~~payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

4.03 RETIREMENT PLAN

All full-time employees not eligible to participate in either the Firefighters or Police Officers retirement plan shall be covered by a Defined Contribution retirement plan.

- (a) Employees covered by the Defined Contribution Retirement Plan

Employee contributions shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours; provided, however, the employee shall have the option to contribute a maximum as described by Federal Law of the above-described gross pay. The City/BPW's contribution shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours.

- ~~(i) Employees covered by the Defined Contribution Retirement Plan shall contribute six percent (6%) of the employee's base pay for a regular work week of forty (40) hours; provided, however, the employee shall have the option to contribute a maximum as~~

~~described by Federal Law of the above-described gross pay. The City's contribution shall be six percent (6%) of each employee's base pay for a regular work week of forty (40) hours.~~

Employee contributions ~~for individuals in the Electric, Water, WPC, and Street Departments~~ shall be withheld from the employee's check bi-weekly.

~~Employee contributions for individuals in all other departments shall be withheld from the employee's check semi-annually.~~

- (ii) Upon an employee beginning to participate in the retirement plan offered by the City, the employee's contributions shall be vested with the employee immediately and the employer's contributions to the plan shall be vested with the employee at a rate of twenty-five percent (25%) each year.

Employees must remain in the plan as long as they are employed by the City.

- (iii) The employee must be ~~twenty-one (21)~~eighteen (18) years of age and have six (6) months of continuous service before he or she is eligible for participation in this plan. Participation is mandatory when the employee becomes eligible.

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- (b) For Employees covered by the Police Retirement Plan, the employee and City shall be governed by the provisions of State law and amendments thereto for such retirement plan.
- (c) For Employees covered by the Fire Retirement Plan, the employee and City shall be governed by the provisions of State law and amendments thereto for such retirement plan.
- (d) This plan is in addition to social security or any other plan the employee may have.
- (e) The Employees may contribute additional funds, up to the maximum allowed by federal law, into a 457 plan.

4.04 EDUCATION PLAN

The City shall follow the "City Education Policy" as adopted and amended from time to time by the City Council. Please refer any questions regarding the "City Education Policy" to the City Clerk or the City Administrator/~~BPW~~ General Manager.

4.05 REIMBURSEMENT FOR REQUIRED EMPLOYMENT LICENSING/TRAINING

Any employee who is required by the City to obtain and maintain a Commercial Driver's License ("CDL"), professional license, certification, or other required training of any type as required in the performance of the employee's duties shall be reimbursed for such costs. In the case of a CDL required for the operation of certain City-owned vehicles, such employees shall be reimbursed

for the difference between the license fee cost for such CDL paid by such employee and the license fee amount charged by the State of Nebraska for a Class O operator's license.

4.06 HOLIDAYS AND PERSONAL LEAVE

(a) The following holidays are observed by the City employees:

| | |
|-------------------------|------------------------|
| New Year's Day | Labor Day |
| President's Day | Veterans Day |
| Memorial Day | Thanksgiving Day |
| Independence Day | Day After Thanksgiving |
| Two days Personal leave | Christmas Day |

Employees, except Fire Captains, shall receive regular pay for each of the holidays listed above on which they perform no work. Whenever any of the holidays listed above fall on a Saturday, the preceding Friday shall be observed as the holiday, and whenever any of the holidays listed above fall on a Sunday the succeeding Monday shall be observed as the holiday.

Fire Captains shall receive an additional eight (8) hours pay at one and one half (1.5) times the employee's regular rate of pay for each of the holidays listed above.

(b) Eligibility requirements. Employees shall be eligible for pay for any holiday falling within a pay period for which they receive compensation unless the employee is no longer employed for any reason prior to the holiday.

(c) Holiday work. If an employee, except Fire Captains, works on any of the holidays listed above, he/she shall be granted an additional one and one-half (1.5) times his/her regular rate of pay, except for salaried employees. Salaried employees shall receive their base pay only.

If a Fire Captain works on any of the holidays listed above, he/she shall be paid at their regular rate.

(d) Personal leave.

(i) Each employee, except Fire Captains, shall receive sixteen (16) hours of personal leave each year upon request for said leave from the employee's Superintendent, Department Head, or the City Administrator/~~BPW~~ General Manager. The time for scheduling said personal leave will be within the discretion of the Superintendent, Department Head, or the City Administrator/~~BPW~~ General Manager, but will, so far as possible, be granted at the time desired by the employee.

Fire Captains shall receive twenty-four (24) hours of personal leave each year upon request for said leave from the Fire Chief. The scheduling of said personal leave will be

within the discretion of the Fire Chief, but will, so far as possible, be granted at the time desired by the employee.

- (ii) Personal leave shall be administered on a calendar year basis (January 1st to December 31st). Any employee starting after July 1st shall only receive half (1/2) of the personal leave they would normally receive for a year. Any unused personal leave shall not be carried over between calendar years and any unused personal leave shall be lost.

4.07 VACATIONS

- (a) Eligibility and allowances. All employees, except Fire Captains, shall earn vacation commencing at his/her original date of employment at the rate of:

| | |
|----------------------------------|-------------------|
| One (1) through Five (5) years | 80 hrs. per year |
| Six (6) through Ten (10) years | 120 hrs. per year |
| Eleven (11) years and thereafter | 160 hrs. per year |

An employee may carry up to two hundred forty (240) hours of vacation time. Employees shall not exceed two hundred forty (240) hours of accrued vacation time on December 31st of any year. If an employee exceeds two hundred forty (240) hours of accrued vacation time on December 31st of any year, then the City shall buy back the unused accrued vacation time in excess of two hundred forty (240) hours at the employee's current rate of pay. An employee may sell their vacation time back to the City at the employee's current rate of pay at any time. An employee may not sell more than eighty (80) hours of vacation time in a year.

Fire Captains shall earn vacation commencing at his/her original date of employment at the rate of:

| | |
|----------------------------------|-------------------|
| One (1) through Five (5) years | 144 hrs. per year |
| Six (6) through Ten (10) years | 192 hrs. per year |
| Eleven (11) years and thereafter | 264 hrs. per year |

Fire Captains may carry over the amount of vacation earned in the preceding year. Fire Captains shall not exceed the amount of accrued vacation time earned that year on December 31st of any year. If an employee exceeds said amount of accrued vacation time on December 31st of any year, then the City shall buy back the unused accrued vacation time in excess said amount at the employee's current rate of pay. An employee may sell their vacation time back to the City at the employee's current rate of pay at any time. An employee may not sell more than eighty (80) hours of vacation time in a year.

- (c) An employee shall accrue a prorated portion of their vacation hours per pay period and such employee shall be entitled to take such accumulated vacation subject to provisions herein.
- (d) Vacation time shall be approved by the employee's Department head, Superintendent, or the City Administrator/~~BPW~~ General Manager. Vacations will, so far as possible, be granted at a

time desired by the employee, but the final right to allotment is reserved by the City to ensure continuity of services.

- (e) Vacation pay. The rate of vacation pay shall be the employee's regular straight time rate of pay in effect on the date immediately preceding the employee's vacation period.
- (f) Upon separation from the City for any reason, an employee shall have an amount of pay equivalent to his/her vacation hours earned but not taken, added to his/her final pay.

4.08 SICK LEAVE

- (a) Allowance. Employees, except Fire Captains, incurring any sickness or disability which renders such employee unable to perform the duties of his/her employment, shall receive sick leave with pay.
- (i) Eligibility. Employees shall start to earn sick leave from their date of hire and shall be eligible to use sick leave after thirty (30) calendar days of service with the City. Employees shall earn sick leave at the rate of eight (8) hours for each month worked.
- (ii) Accumulation. Employees shall accumulate sick leave as long as they are in the service of the employer and may accrue up to one thousand forty (1,040) hours.
- (iii) Unused Sick Leave. Two (2) weeks written notice of voluntary resignation from employment is required to be transmitted to the City Administrator/~~BPW~~-General Manager in order to be eligible to receive a payout for unused sick leave. If appropriate notice is not received in accordance with this section, the employee forfeits his/her unused sick leave. Two (2) weeks written notice shall not be required of employees leaving employment involuntarily. Employees providing appropriate notice as outlined above shall be compensated for one-half (1/2) of any accumulated unused sick leave hours when they are permanently separated from employment for any reason; provided, that employees shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours when they are permanently separated from employment as a result of retirement on or after reaching the age of fifty-five (55) or death. In event of death, payment is to be made to the estate of the employee. The amount of payment for all unused sick leave is to be calculated at the employee's rate of pay in effect on the pay day immediately preceding the employee's separation.

Any employee with more than one thousand forty (1,040) hours of accumulated unused sick leave as of the first (1st) day of January of each year shall receive payment in amount equal to fifty percent (50%) of the value of employees' accumulated unused sick leave in excess of one thousand forty (1,040) hours. Value of employee's accumulated unused sick leave shall be the employee's rate of compensation times the number of accumulated sick leave hours in excess of one thousand forty (1,040) hours times fifty percent (50%).

(b) Fire Captains incurring any sickness or disability, which renders such employee unable to perform the duties of his-~~er~~/ her employment, shall receive sick leave with pay.

(i) Eligibility. Fire Captains shall start to earn sick leave from their date of hire and shall be eligible to use sick leave after thirty (30) calendar days of service with the employer. Fire Captains shall earn sick leave at the rate of sixteen (16) hours per calendar month.

(ii) Accumulation. Fire Captains shall accumulate sick leave as long as they are in the service of the employer and may accrue up to one thousand four hundred sixty (1,460) hours.

(iii) Unused Sick Leave. Two (2) weeks written notice of voluntary resignation from employment is required to be transmitted to the City Administrator/~~BPW~~-General Manager in order to be eligible to receive a payout for unused sick leave. If appropriate notice is not received in accordance with this section, the Fire Captain forfeits his/her unused sick leave. Two (2) weeks written notice shall not be required of employees leaving employment involuntarily. Fire Captains providing appropriate notice as outlined above shall be compensated for one-half (1/2) of any accumulated unused sick leave hours, up to a maximum of five hundred forty (540) hours, when they are permanently separated from employment for any reason; provided, that Fire Captains shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours, up to a maximum of seven hundred eighty (780) hours when they are permanently separated from employment as a result of 1) retirement on or after reaching the age of 55, or 2) retirement on or after reaching the age of 50 and having 20 years of service with the City, or 3) death. In the event of death, payment is to be made to the estate of the Fire Captain. The amount of payment for all unused sick leave is to be calculated at the Fire Captain's rate of pay in effect on the pay day immediately preceding the Fire Captain's separation.

Any Fire Captain with more than one thousand four hundred sixty (1,460) hours of accumulated unused sick leave as of the first (1st) day of January of each year shall receive payment in amount equal to 25% of the value of the Fire Captain's accumulated unused sick leave in excess of one thousand four hundred sixty (1,460) hours. The value of a Fire Captain's accumulated unused sick leave shall be the Fire Captain's rate of compensation times the number of accumulated sick leave hours in excess of one thousand four hundred sixty (1,460) hours times 25%. No Fire Captain shall receive payment for more than forty-eight (48) hours of unused sick leave in a year.

(c) An employee may be required by the Department Head, Superintendent, or City Administrator/~~BPW~~-General Manager to submit a medical certification for any absence for which sick leave is taken. Failure to fulfill this requirement may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during any period of leave of absence without pay, or during a period if such leave is of one (1) month or more.

- (d) Release to return to work from a medical doctor is required after three (3) work days consecutive absence. Release may be required by the employee's Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager for any individual employee if an abuse of sick time is alleged.
- (e) The sick leave benefit is authorized only for illness, injury, or necessary appointments with doctors or dentists. If at all possible, the employee should notify his/her Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager before work time of their inability to come to work for any of the above reasons.
- (f) Family Sickness and Disability. Due to sickness or disability in the employee's immediate family, defined as the employee's spouse, sons, daughters, mother, father, mother-in-law, or father-in-law, step-child, and person or persons the employee is guardian over, who are under the age of eighteen (18), and currently live in the employee's house, an employee may use up to ten (10) days of accumulated sick leave per year. If an employee misses three (3) consecutive work days due to the sickness or disability in the employee's immediate family, then the Department Head or City Administrator/~~BPW~~ General Manager may require a note from the employee's immediate family member's attending physician stating the illness or disability and expected duration.
- (g) Abuse of the sick leave benefit will not be tolerated and will be considered a reason for dismissal.

4.09 LEAVES OF ABSENCE WITH AND WITHOUT PAY

- (a) In the event of a death in the family, an employee, except Fire Captain, may be granted time off with pay at the discretion of his/her Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager in accordance with the following schedule of maximum allowable times:

| | |
|--|----------|
| Employee's spouse or child | 40 hours |
| Employee's mother or father | 24 hours |
| Employee's mother-in-law or father-in-law | 24 hours |
| Employee's brother or sister | 16 hours |
| Employee's brother-in-law or sister-in-law | 16 hours |
| Employee's grandparent | 16 hours |
| Employee's grandchild | 24 hours |
| Employee's daughter-in-law or son-in-law | 16 hours |

In the case of other relatives or friends, an employee may be granted up to four (4) hours to attend a funeral in the City and up to eight (8) hours to attend a funeral outside the City. If the above is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum may be granted in cases in which the employee is a pallbearer.

- (b) In the event of a death in the family, a Fire Captain may be granted time off with pay at the discretion of the Fire Chief in accordance with the Firefighters Union Contract.

In the case of other relatives or friends, a Fire Captain may be granted time to attend the funeral up to a maximum of twelve (12) hours. If the above schedule is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum (24 hrs.) may be granted in cases in which a Fire Captain is a pallbearer.

- (c) Military Service. All employees who shall be members of the National Guard, Army Reserve, Naval Reserve, Marine Corp Reserve, Air Force Reserve, Coast Guard Reserve, shall be entitled to special leave in each calendar year. Employees who are normally scheduled to work more than one hundred fifty-nine (159) hours in a three (3) week period shall be entitled to one hundred sixty-eight (168) hours of military leave and employees who are normally scheduled to work less than one hundred fifty-nine (159) hours in a three (3) week period shall be entitled to one hundred twenty (120) hours of military leave.

An employee on such leave shall be entitled to full salary for such hours or any portion thereof. Such employees are entitled to additional military leave according to state law. During such leave of absence, the City shall not pay the health insurance premiums of the employee and the employee shall not be entitled to any of the benefits set forth in this Chapter.

- (d) Jury service. When an employee is called for jury service, he/she shall advise his/her Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager upon receipt of such call, and, if taken from his/her work for such service, shall be paid by the City the difference between the jury service pay and his/her regular hourly rate, not to exceed eight (8) hours for each regular work day while serving. This also covers employees called and who report but do not actually serve. Salaried employees will be paid their normal salaries during jury duty less any jury service pay received by the salaried employee.

- (e) When an employee is subpoenaed as a witness, the employee shall immediately advise his/her Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager of the service of such subpoena and the date and time such employee is required to appear in court. Such employee shall be granted sufficient leave of absence to enable him/her to make timely appearance in obedience to such subpoena and to return to his/her work after his/her release from further attendance in court. If the employee is a witness as a result of his/her employment with the City, such employee shall be paid by the City the difference between the witness fee and mileage paid at his/her regular rate for each hour in attendance in court, not to exceed eight (8) hours for each day while in attendance. If the employee is a witness for a case unrelated to his/her employment with the City, the employee may elect to utilize vacation hours to make up the difference between the witness fee and his/her normal hourly pay.

Salaried employees will be paid their normal salaries during court attendance and travel time less any witness fee received by the salaried employee.

- (f) Each employee shall receive no pay from the City for jury service or for attendance as a witness for days or hours which such employee is not scheduled for work.
- (g) Employees may be granted administrative leave to attend official functions of professional organizations at the discretion of Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager's discretion. Administrative leave granted to employees for this purpose shall be with pay to the extent of the normal workday or work-week. Employees who are granted time off at the discretion of their Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager due to inclement weather as outlined in the "Inclement Weather Policy" or other emergency shall be included in this section.
- (h) All employees shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries" and "Return to Work Policy for Non-Work Related Injuries", adopted by resolution of the City Council. Employees, except Fire Captains, who are injured or become ill as a result of the performance of their duties and are unable to perform their job duties shall be granted injury leave not to exceed three (3) of the employee's normal working shifts for any particular job-related illness or injury and the employee shall not be required to use sick leave for such injury leave. The City may require medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. Upon receipt of a release from the employee's attending physician, the Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager may require the employee to report for work on light duty.
- (i) All Fire Captains shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries" and "Return to Work Policy for Non-Work Related Injuries", adopted by resolution of the City Council. Fire Captains who are injured or become ill as a result of the performance of their duties and are unable to perform their job duties shall be granted time off with pay for the first one hundred twenty (120) hours that he or she is absent from work and shall be required to use accumulated sick leave hours only for the portion of the time which is compensated by the City as described below during which he or she is absent from work in excess of one hundred twenty (120) hours for each such accident or other cause. The City shall deduct from the wages paid to the employee the amount the employee is entitled to receive pursuant to the Nebraska Workers' Compensation Act. The City may require medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. Upon receipt of a release from the employee's attending physician, the Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager may require the employee to report for work on light duty.
- (j) If an employee is receiving workers compensation and they wish to receive the difference between their normal net wage after taxes and their workers compensation payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

(k) Employees will be covered by any "Family Medical Leave Act Policy", adopted by resolution approved by the City Council.

(l) Leave of Absence. Any employee who has maintained employment for a period of six (6) months may request in writing to the City Administrator/~~BPW~~ General Manager a leave of absence up to ninety (90) calendar days. Before any employee may request a leave of absence the employee must have exhausted all of their accumulated sick leave, personal leave, compensatory time, vacation time, and any applicable Family Medical Leave Act time. Any employee requesting a leave of absence must state the reason they are requesting a leave of absence in writing. While an employee is on leave of absence they shall not receive or accrue any compensation time, vacation time, sick time, personal leave, and the City shall not pay the employee, City shall not pay for the employee's health insurance, and the employee shall not receive any other benefits set forth in this Chapter.

An employee shall not be granted more than ninety (90) calendar days of a leave of absence during a rolling calendar year.

4.10 OVERTIME

(a) All non-salaried employees, except Fire Captains, shall be paid overtime at the rate of one and one half (1.5) times their regular hourly rate for all hours worked in excess of their regularly scheduled shift time, provided this is in excess of a forty (40) hour work week.

The hours during the work week for which the employee was paid for vacation taken, leaves of absence, and sick leave taken shall not be considered as hours actually worked by the employee.

For all employees, compensatory time rather than overtime compensation may be given for all hours actually worked in excess of forty (40) hours in work week established for the employee.

Whether compensatory time is given in lieu of overtime payment shall be at the discretion of the Department Head; but compensatory time shall not be given unless first requested by the employee. Such compensatory time shall be at a rate of one and one half (1.5) hours of compensatory time for each hour of overtime worked. No employee shall accrue more than one hundred twenty (120) hours of compensatory time in a year. No employee shall use more than one hundred twenty (120) hours of compensatory time in a year.

(b) Fire Captains working "Kelly Days" will be paid for one hundred and six (106) hours of regular time and (6) hours of overtime for each pay period in which the Fire Captain works all scheduled shift hours, or uses any combination of vacation leave, holiday pay, personal leave, administrative leave, or comp time. Should the employee use sick leave, injury leave, funeral leave, military leave, or a leave of absence, such hours shall be reduced from the six (6) hour overtime calculation.

Examples:

1. Fire Captain works no additional overtime hours, takes 24 hours vacation, and uses 48 hours of sick leave. Fire Captain will be paid 112 regular hours of compensation and no overtime.
2. Fire Captain works 24 hours overtime, takes 24 hours vacation, and uses 3 hours of sick leave. Fire Captain will be paid 109 hours of regular time and 27 hours of overtime.
3. Fire Captain works 24 hours overtime, takes 8 hours of holiday pay, and 8 hours of personal leave. Fire Captain will be paid 106 hours of regular time and 30 hours of overtime.
4. Fire Captain works no overtime, and uses 8 hours of comp time. Fire Captain will be paid 106 hours of regular time and 6 hours of overtime.

The City shall maintain a list of hours worked by each Fire Captain. Upon the termination of "Kelly Days" or upon a Fire Captain's permanent separation from employment, the City shall verify the actual hours worked by the Fire Captain are equal to the hours the Fire Captain was paid. The City shall make adjustments for Fire Captains who were overcompensated or undercompensated after the date of termination of "Kelly Days" or upon the Fire Captain's permanent separation from employment.

CHAPTER FIVE

Operations

5.01 SAFETY

It is the goal of the City to provide a safe and healthful workplace for all employees. The City's policy is aimed at minimizing exposure to health or safety risks of employees and visitors at the City facilities. In order to accomplish this, each employee is expected to obey safety rules and to exercise caution in all work activities. Superintendents and Department Heads shall train their personnel to work safely. Each employee shall know what to do in case of fire or other disaster as well as the location and use of first aid supplies. Safety precautions include the observance of traffic regulations when driving or operating City vehicles and equipment.

Employees must immediately report any unsafe condition to their Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager. Employees that violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager. Such reports are necessary to comply with laws and initiate worker's compensation benefits. Each employee will be given a

copy of the "City Safety Manual". It is the intent of the City that this manual be read and reviewed for the safety of all employees.

5.02 CARE AND USE OF CITY PROPERTY AND EQUIPMENT

Property and equipment that is provided by the City to carry out the duties of day-to-day business is to be used in the way that it is intended. Any employee found to be responsible for damage, unauthorized use, or loss of property through negligence, carelessness, or abuse shall be subject to disciplinary action. No equipment, materials, or supplies shall be removed from their locations without the approval of the Department Head, Superintendent, or City Administrator/~~BPW~~ General Manager.

5.03 USE OF CITY OWNED VEHICLES

Department Heads, Superintendents, and other employees as designated by the City Administrator/~~BPW~~ General Manager may be allowed to use City owned vehicles as transportation to and from their home to their place of work in addition to use during normal duty hours. Such vehicles shall be used in accordance with the "Use of City-Owned or Leased Vehicles Policy" and shall not be used other than for official City business. These vehicles shall be kept clean and driven in a manner so as to conform with existing traffic regulations and to not bring discredit upon the City. Any employee who will have opportunity to drive a City owned vehicle must inform the City Administrator/~~BPW~~ General Manager of any change in their license status immediately.

5.04 USE OF SEAT BELTS

When traveling in a City owned vehicle or traveling in a personal vehicle while on City business, each employee shall wear safety belts and shoulder belts, if so equipped, to provide for the safety of the employee. Such requirement is established by law and the "City Safety Manual". Any employee found in violation of this policy shall be subject to disciplinary action.

5.05 REPORTING OF ACCIDENTS AND INJURIES

Employees shall report all on-the-job accidents and injuries to their Department Head, Superintendent, and the City Administrator/~~BPW~~ General Manager as soon as possible after the accident. Injuries of a minor "first aid" nature may be treated at the job site or department office. If the injury requires medical attention, the employee may consult his/her family doctor, as desired. Ambulance services shall be used to transport employees to a hospital if the accident or injury results in incapacitation of the employee. Within twenty-four (24) hours of the incident, the affected employee or his/her Department Head or Superintendent shall file an accident-injury report with the City Administrator/~~BPW~~ General Manager or his/her designee for insurance purposes.

Employees who have an accident with a City owned vehicle shall:

- 1) Contact local law enforcement to conduct an accident or related report;
- 2) Contact their Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager;
- 3) Refrain from any comments regarding who is at fault. Refer such questions to our insurance carrier; and
- 5) If the City employee is injured due to the accident, a First Report of Alleged Occupational Injury or Illness report shall be completed and provided to the City Administrator/~~BPW~~ General Manager or his/her designee within twenty-four (24) hours. This shall be done regardless of how minor the accident may be.

An employee may be required by his/her Department Head, Superintendent, or the City Administrator/~~BPW~~ General Manager to submit to a drug/alcohol test as soon as he/she is able to leave the scene of the accident.

CHAPTER SIX

Employee Technology Usage Policy Electronic Communications, Computer, and Telephone Policy

6.01 GENERAL — ~~ELECTRONIC EQUIPMENT USE~~

Employees of the City/~~BPW~~ shall comply with the "Employee Technology Usage PolicyComputer and Telephone Use Policy" as adopted by the City Council.

CHAPTER SEVEN

Conferences, Travel, and Expenses

7.01 CONFERENCES - CONVENTIONS, TRAINING, AND MEETINGS

The City encourages the development of job skills by allowing participation in available training programs whenever possible and economically feasible.

All City employees must abide by the "Training Policy" as adopted and amended from time to time by the City Council for any requests to participate in, or be reimbursed for, any training or continuing education conferences, seminars, or meetings. Please refer to the "Training Policy" for the forms that must be submitted for any such requests.

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Please refer any questions regarding the "Training Policy" to the City Clerk or the City Administrator/~~BPW~~ General Manager.

7.02 TRAVEL AND OFFICIAL EXPENSE

The City will reimburse for expenses that are necessarily incurred in the development and operation of our business. To be reimbursable, the expenses should have prior approval, be reasonable, supported by receipts, and the expense form must be properly completed and submitted within seven (7) calendar days after returning.

All expenses reimbursed are assumed to qualify for tax purposes as legitimate business expenses. A description is required by the Internal Revenue Service on all charges that include expenses other than those of the employee. The description of the business purpose should be recorded on the "Travel Expense Authorization & Reimbursement Request" form, including, as appropriate, seminar name or reason for trip, city, date of departure, date of return, and the sponsoring affiliate. Please refer to the "Training Policy" for a more detailed guideline.

CHAPTER EIGHT Drug-Free Workplace Policy

8.01 TOBACCO USAGE

Tobacco use is prohibited by all persons in accordance with the "Tobacco Use Policy" as adopted by the City Council.

8.02 DRUG-FREE WORKPLACE

The City is committed to providing a safe work environment and prohibits the distribution, manufacture, possession, sale, use, transfer, transport, or purchase of illegal drugs, or being under the influence of alcohol or drugs at the workplace, on City premises, or in City vehicles. Accordingly, all City employees must abide by the "Drug-Free Workplace Policy" as adopted by the City Council.

CHAPTER NINE Sexual and Other Unlawful Harassment Policy

9.01 OVERVIEW

The City is committed to providing a safe and comfortable work environment that is free from all forms of discrimination. Accordingly, all City employees must abide by the "Sexual and Other Unlawful Harassment Policy" as adopted by the City Council.

CHAPTER TEN
Employee Discipline

10.01 CORRECTIVE AND DISCIPLINARY ACTIONS

- (a) The employment relationship between you and the City is at-will, meaning that the employment relationship may be terminated, at any time, by the City or you for any reason or for no reason, with or without notice. The following section sets forth general guidelines regarding unacceptable conduct in the workplace. However, your employment with the City does not create a contractual relationship, and the City may terminate your employment regardless of whether you have engaged in unacceptable conduct as set forth below.
- (b) Employees are expected to act in a mature and professional manner while performing services for the City. Below is a partial list of behaviors that an employee may be disciplined for. Depending on the severity of the infraction, an employee may be subject to discipline up to and including termination. The following is a list, not all-inclusive, providing examples of unacceptable conduct:
- (1) Failure to observe safety rules and regulations.
 - (2) Failure to report to work at the appointed time or place, or for departing prior to the designated time, including abuse of rest periods.
 - (3) Solicitation, or distribution or display of, unauthorized literature while on City time.
 - (4) Operating a personal business while on City time.
 - (5) Intimidation or coercion.
 - (6) Abuse or waste of City equipment, tools, or material.
 - (7) Using abusive language or making false or malicious statements concerning any employee, the City, or its services.
 - (8) Horseplay, loafing, or sleeping on the job. Employees working twenty-four (24) hour shifts may sleep as permitted by the Department Head.
 - (9) Unauthorized posting, removing, or altering of bulletin board notices.
 - (10) Violation of City or BPW written or verbal policies or procedures.
 - (11) Unauthorized use or release of confidential, sensitive, or privileged information.
 - (12) Intentional unavailability for or refusal to work over-time or respond to emergency call out.
 - (13) Abuse of medical leave or other paid leaves.
 - (14) Conduct unbecoming for a City employee.
 - (15) Insubordination.
 - (16) Theft of public or private property, or property belonging to the City.
 - (17) Misappropriation of property belonging to the City.
 - (18) Unlawful harassment.
 - (19) Consumption or possession of alcohol or non-prescribed drugs on City time or property.
 - (20) Being under the influence of alcohol or non-prescribed drugs while in the workplace.
 - (21) Gambling or fighting on ~~BPW or~~ City time or property.
 - (22) Conviction of a felony.

- (23) Demeaning, disruptive, or uncooperative conduct in the workplace.
- (24) Intentional or negligent damage or destruction of private or public property.
- (25) Fraud, falsification, or deceit in the conduct of City business.
- (26) Incompetence or unsatisfactory performance.
- (27) Unauthorized possession or use of firearms or hazardous materials on City time or property.
- (28) Work disruption or stoppage, strike, or other forms of job action or withholding of services.
- (29) Acts or threats of physical violence directed towards City officials or employees, or any other third party during work hours, duties, or functions.

CHAPTER ELEVEN

General Policies

11.01 POLITICAL ACTIVITY

City employees may not interfere or use the influence of their office for political reasons. They shall not participate in any political activity during normal working hours or when otherwise engaged in the performance of official duties. No employee shall engage in any political activity while wearing a uniform required by the City. While on duty as a City employee, no employee may solicit or receive political contributions for himself/herself or for the benefit of other candidates or issues in any election. An employee may not represent themselves as an employee of the City while being involved in an outside political activity. City employees may not be a candidate or be elected to the office of Mayor or City Council while employed. Employee shall resign from employment with the City before filing for election to the offices of Mayor or City Council.

11.02 WORKERS' COMPENSATION

The City will comply fully with the Workers' Compensation Program that has been established under State statute. All employees shall be covered by the City of Beatrice "*Return to Work Policy for Work Related Injuries*", adopted by resolution approved by the City Council. When accidents occur at work, they must be reported immediately to the Department Head or Superintendent and the appropriate paperwork filled out at that time and sent to the City Administrator/BPW General Manager or his/her designee. A Department Head must have prior knowledge and approve a doctor's visit. A doctor's report may be required to substantiate the injury. The City may provide light duty work when possible for a defined period of time for employees that are injured due to a work related situation. Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's FMLA entitlement.

11.03 EMPLOYEE'S FAMILY VISITATION POLICY

Employees are not permitted to watch their children or other children during work hours. Visitations by children must be approved by the employee's Department Head, Superintendent,

or City Administrator/BPW General Manager. ~~The City of Beatrice and the Board of Public Works are-is~~ not responsible for any accidents or injuries that take place in or on any City ~~or BPW~~ property.

11.04 DRIVING RECORD REVIEW POLICY

In order to minimize potential losses resulting from motor vehicle accidents involving a City-owned vehicle driven by a City employee, the City of Beatrice will review driving records in accordance with the "Driving Record Review Policy" as adopted by the Beatrice City Council.

11.05 SOCIAL MEDIA POLICY

Employees must remain cognizant of the fact that their social media posts may reflect upon the City. Accordingly, all employees shall abide by the guidelines set forth in the "Social Media Policy" as adopted by the City Council.

11.06 FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act of 1993 ("FMLA") provides certain employees with up to twelve (12) weeks of unpaid, job-protected leave per year. Please refer to the City's "FMLA Policy" for requirements and application.

CHAPTER TWELVE

Savings Clause

12.01 SAVINGS CLAUSE

If any provision of this policy handbook is declared, by proper legislative or judicial authority, to be unlawful, unenforceable, or not in accordance with applicable statutes or ordinances, all other provisions of this policy handbook shall remain in full force and effect for the duration of this policy handbook.

PERSONNEL MANUAL HANDBOOK FOR NON-UNION EMPLOYEE'S RECEIPT

I have received a copy or acknowledge that the City's Personnel Manual Handbook for Non-Union Employee's is available electronically and have either read it or had it read to me carefully. I understand all of its rules, policies, terms and conditions, and agree to abide by them realizing that failure to do so may result in disciplinary action and/or termination. I understand that the information contained in it represents management guidelines only, which may be modified from time to time. This Personnel Manual Handbook is not a contract. I understand that neither the personnel manual's policies nor any other representations made by a management representative or other City Official, at the time of hire or during employment, are to be interpreted as a contract between the City and any of its employees. I also understand that this personnel manual Handbook supersedes all previous written and unwritten policies, including any previous personnel manual Handbook. I further understand that my employment is at will, that I am free to resign at any time, and that the City may terminate the employment relationship whenever it determines that it is in its best interest to do so, and may do so with or without notice or cause. I further understand that my employment relationship can only be changed by a written agreement signed by the City Administrator/BPW General Manager. I understand that these policies, procedures, and statements may be changed at any time, with or without notice.

Employee Signature Date

Employee Name (printed)

Witness Signature Date

Witness Name (printed)



MEMORANDUM

| | | | |
|-----------------|---|------------------------|----------------|
| TO: | Mayor & City Council | DATE SUBMITTED: | April 30, 2024 |
| FROM: | Tobias J. Tempelmeyer City Administrator and General Manager | FOR AGENDA OF: | May 6, 2024 |
| SUBJECT: | Non-Union Employee Handbook Update | EXHIBIT(S): | Handbook |

We are in the process of merging our BPW retirement plan with our City retirement plan. In this process there are some changes that we need to make to the Non-Union Employee Handbook. While doing so, we took the opportunity to clean up a few other things in the Handbook. We cleaned up references to BPW and incorporated everything under the term City and we modified section 1.07 regarding the dress code.