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Welcome

Welcome to the City of Dell Rapids team! Our staff and officials are employed to serve the residents of Dell Rapids. As an employer, the City of Dell Rapids is committed to taking care of our employees and ensuring that working for the City is a rewarding and positive experience.

It is important that you understand the City's policies and the benefits available to you through employment at the City of Dell Rapids. This Employee Handbook explains various policies that will help you do your job to the best of your abilities. As a member of the City of Dell Rapids team, our goal is to help you develop professionally and personally, and to realize your potential as a valuable employee who contributes to the success of our City. Please refer to this handbook often, and do not hesitate to contact your supervisor if you have questions or concerns that are not addressed here. Once again, welcome to our team and we wish you a fulfilling, enjoyable future with the City.

Introduction to
Dell Rapids City Government

Organization of City Government

The City of Dell Rapids operates under the Mayor/Council form of government. This type of municipal government provides for an elected Mayor and City Council that establish policies (rules and guidelines) for City government, and for the community of Dell Rapids. The ordinances of Dell Rapids also provide for a City Administrator to administer these policies. The City Administrator is authorized and directed to administer the provisions of this manual, including the right to establish such administrative procedures as may be necessary to explain further and to carry out the provisions.

The Governing Body of Dell Rapids is composed of the Mayor, who is elected at large, and eight aldermen elected by wards. These officials are elected for staggered three-year terms on a nonpartisan basis and are the only elected city officials. The Mayor is the presiding officer of the City Council. The City Council sets policies through the adoption of: 1) ordinances (city laws); 2) resolutions; 3) the annual budget; and 4) the city payment plan.

Below are some brief statements of purpose for each department. Each Department Head is authorized to make more specific departmental rules and regulations.

It is the policy of the City Council that this document is to be used as a basic outline for personnel policies, practices, and procedures. The manual contains general statements of policy for the City of Dell Rapids and should not be read as including the fine details of each policy.

Department Function Descriptions:

Community Development

- Code Enforcement: Responsible for the issuing of building permits and inspection of those projects. Concurrently responsible for the enforcement of several building, sign, and animal control codes.
- Economic Development: Works to attract and retain businesses to Dell Rapids to help diversify the city's tax base. Markets the community to businesses and people looking to live and work in Dell Rapids.
- Planning & Zoning: Guides decisions regarding land use and transportation routing for the city through the direction of the Planning Commission. The Planning Department oversees zone change, variance, and conditional use requests. The Planning Department develops the city's Comprehensive Plan.

Finance Department: Handles the accounting, billing, record-keeping, licensing, and payroll operations for all city departments, all of the utilities, and other various funds of the City.

Fire Department: Contracted Service to the City of Dell Rapids. Provides fire protection, rescue service, safety education, and fire prevention programs for the City of Dell Rapids, rural residents, and state property.

Ambulance: Contracted service to the City of Dell Rapids. Provides ambulance, first responder rescue services for the City of Dell Rapids, rural residents and state property.

General Government/City Administrator: The City Administrator has the responsibility, by City Ordinance, to: 1) enforce all laws and ordinances; 2) supervise the administration of City affairs; 3) make recommendations to the City Council concerning City operations; 4) advise the City Council of the financial condition of the City and future needs of the City; 5) prepare an annual budget; 6) assure compliance with contracts by those doing business with the City; 7) prepare proposed ordinances and resolutions for the Council; and 8) carry out all other duties prescribed by ordinances of the Council.

Library: Serves the community of Dell Rapids and surrounding residents. The library provides various media materials, programs of interest, and interlibrary loan service to its patrons under the direction of the Library Board.

Municipal Bar and Liquor Store: Controls the sale of packaged liquor in the City of Dell Rapids according to the provisions of the current management agreement.

Public Works:

- Parks & Recreation Department: Maintains the parks, campgrounds, ballfields and swimming pool in Dell Rapids.
- Street Department: Responsible for street maintenance and sweeping, street snow removal, street sign maintenance, dead tree removal in the public right-of-way, street crosswalk

marking, alley maintenance, street cleanup after windstorms, and assistance in all other tasks not specifically assigned to other departments.

- Wastewater Treatment: Responsible for the protection of community health and the environment through operation of the Wastewater Treatment and collection system.
- Water: Responsible for meeting the water distribution needs of the City of Dell Rapids. The City of Dell Rapids purchases its water from the Minnehaha Community Water Corporation.

Police Department: The City of Dell Rapids has a contract with the Minnehaha County Sheriff's Office to provide law enforcement services in town.

Section 1 – Employment Policies & Practices

Employee Handbook Scope & Purposes

The purpose of this manual is to establish an efficient, equitable, and functional system of personnel administration for employees based on principles of merit. It is intended to govern conditions of employment for Professional, Administrative, Technical, Supervisory, Executive, and Council Appointed Employees, unless stated otherwise. The intent of these provisions, requirements, and regulations is to promote, within the service of the municipal organization, the highest degree of understanding, cooperation, efficiency, and unity which comes from consistent application of good personnel policies and procedures.

Administration

The City Administrator is responsible for administering policies. The City Administrator is authorized and directed to administer the provisions of this manual, including the right to establish such administrative procedures that might be necessary to further explain and implement the provisions of the manual.

Employment-at-Will

The City of Dell Rapids recognizes that South Dakota is an employment at-will state, and the intent of this municipality is to maintain that employment at-will status of all employees. However, for municipal employees, due process procedures as specified in this manual shall be followed.

This manual does not confer a contract of employment. Each employee is free to terminate his or her employment at-will, without cause and the City is equally free to terminate the employment relationship at-will, with or without cause. (SDCL 60-4-4) Nothing in this handbook, or other document or statement, whether oral or written, shall change this employment at-will relationship. This handbook is not a contract, express or implied, guaranteeing employment for any specific duration. The statements contained in this handbook are intended to offer guidance, but not to modify the terms of employment. This handbook does not modify state or federal law, nor does it serve as legal advice.

The policies, procedures, rules, and benefits contained herein are subject to change upon a majority vote by the council. These policies are provided as a reference to present policies and not a guarantee of employment or specific employment benefits.

Equal Employment Opportunity Policy

In compliance with Title VII of the Civil Rights Act of 1964 as amended and under authority of SDCL 7-8-20, it is the policy of the City to provide equal employment opportunities. The City does not discriminate in hiring or in any terms and conditions of employment based on sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, age, disability, sexual orientation, genetic information or veteran status or on any other status that is protected under law against discrimination. This policy applies to employees and applicants and to all phases of employment including, but not limited to, hiring, promotion, demotion, and treatment during employment, rates of pay or other forms of compensation, and termination of employment.

In accordance with SDCL 3-3-1 regarding veteran's preference in public employment, the City of Dell Rapids will strive to follow employment practices which will ensure the employment of honorably discharged veterans as defined in SDCL 33A-2-1.

If an individual is concerned about a violation of this policy, they may utilize the Complaint Resolution policy set forth below.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with qualified disabilities and require employers to provide reasonable accommodations to applicants and employees as below discussed.

It is the policy of The City of Dell Rapids to comply with all federal and state laws concerning the employment of persons with disabilities. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Reasonable accommodation is available to all qualified individuals with disabilities in accordance with the ADA and provided such accommodation does not pose an undue hardship or pose a direct threat to the safety of the employee or others. Employees requiring reasonable accommodation during either a recruitment or employment process should contact the Department Head and/or the City Administrator to begin an interactive discussion about potential accommodation that would be available and appropriate. The City will consider specific requests but reserves the right to offer its own recommendations for accommodation to the extent permitted by law.

If an employee makes a request to their Department Head and/or the City Administrator and no response is received within one (1) week, the employee should take the matter to the City Council.

All employment decisions regarding disability accommodation will be based on the merits of the situation in accordance with the defined criteria and federal and state regulations.

Any form of retaliation against an employee for engaging in activity under this provision is expressly prohibited and will result in disciplinary action up to and including termination. Please see the complaint and retaliation provisions presented in the Discrimination and Harassment policy.

Immigration Law Compliance

The City is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not discriminate because of a person's citizenship or national origin.

To comply with the Immigration Reform and Control Act of 1986, every new employee is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility. All employees will be expected to complete the I-9 Form on or before the first day of work. If the employee is not able to provide the necessary documentation within three (3) working days from the date of hire, they must provide proof that they have applied for the required documents. If this is not provided, the employee will be terminated. Former employees who are rehired must complete the form if they have not completed an I-9 or it is no longer retained or valid.

Discrimination & Harassment-Free Workplace

The City recognizes that the strength of the organization relies on an environment where people are treated with dignity and respect without intimidation, oppression or exploitation. Therefore, the City is committed to providing a work environment that is free of unlawful discrimination and harassment. The City expressly prohibits any form of employee harassment, which includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual, based upon on race, color creed, religion, national origin, citizenship, ancestry, gender, gender identity, sexual orientation, marital status, pregnancy, age, disability, veteran's status, genetic information, or any other protected group in accordance with state and federal law. The City will strive to prevent, correct and discipline behavior that is not consistent with its commitment to provide equal opportunity and an environment free from harassment and discrimination.

This policy is adopted using the following definitions:

Discrimination includes conduct, in violation of federal and state law, where unfavorable decisions are made, or unfavorable actions are taken, based on an individual's protected classification, as listed above. This policy is intended to be consistent with the prohibitions stated in such anti-discrimination laws.

Harassment based on an individual's protected classification as listed above includes conduct which interferes with an individual's ability to do their job by creating an intimidating, hostile or offensive

work environment; unreasonably interfering with the individual's work performance and/or adversely affects an individual's employment opportunities.
Harassing conduct includes, but is not limited to, the following:

- Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to the categories above. This includes jokes or pranks that are hostile or demeaning to the above protected categories.
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group included in the above categories.

Sexual harassment (both overt and subtle) is a form of unlawful harassment that includes employee misconduct that is demeaning to another person or undermines the integrity of the employment relationship and is strictly prohibited. Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

- Submission to such conduct is made either explicitly or implicitly as a condition of employment
- Submission or rejection of such conduct by an individual is used as a basis for employment decisions
- Such conduct has a purpose or effect of substantially interfering with an individual's work performance
- Such conduct has a purpose or effect of creating an intimidating, hostile or offensive work environment

Some examples of sexual harassment include, but are not limited to, the following:

- Sexual innuendo, jokes of a sexual nature, propositions, threats
- Sexually suggestive pictures or objects, staring, leering, obscene gestures
- Unwanted physical contact
- Unwelcome repeated requests for a date, telephone calls, letters or messages
- Discussion of sexual activities

Harassment can be found where, in aggregate, the incidents are sufficiently pervasive, persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that unreasonably interferes with employment. If the victim does not subjectively perceive the environment to be hostile or the conduct has not actually altered the conditions of employment, then there may not be a violation of this policy.

Reporting Discrimination / Harassment
It is the responsibility of every employee to act consistently with the spirit and intent of this policy. Supervisors shall work to establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy, recognize incidents of harassment and discrimination, and take immediate action in accordance with this policy.

If you experience any possible unlawful harassment or discrimination, promptly report the concern to

Human Resources or to the City Administrator. The City takes complaints of discrimination and harassment very seriously and investigates claims received. Thus, there is no need to follow any formal chain of command when filing a complaint or discussing or expressing any issue of concern regarding alleged discrimination or harassment, and you may bypass anyone in your direct chain of command.

This policy applies to all incidents of alleged discrimination or harassment, including those which occur off-premises, or off-hours, where the alleged offender is a group leader, supervisor, coworker, or even a non-employee, such as a vendor or customer, with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

Should alleged discrimination or harassment occur at a time other than your normal business hours, your complaint should be made as early as practicable following the incident. The City will undertake an investigation led by the City Administrator and/or Human Resources of any complaints in a timely and appropriate manner. All complaints will be kept confidential to the extent possible.

All employees have a duty to report any conduct which they believe violates this policy. In addition, every employee has a duty to cooperate with any investigation conducted by the City, regardless of whether the investigation is being conducted by City officials or outside parties retained by the City for this purpose, or, for that matter, by an outside agency.

If the City determines that an employee has violated this policy including unlawfully discriminated against or harassed another individual, violated the confidentiality or nonretaliation provisions, or who have been found to have knowingly made a false complaint, appropriate disciplinary action will be taken against the offending employee, up to and including an unpaid suspension or termination of employment.

Retaliation

The City, in accordance with state and federal law, prohibits any form of retaliation against any employee for reporting in good faith a violation of this policy, filing a complaint under this policy, or assisting in a complaint investigation.

One type of retaliation occurs when an employer takes adverse employment action against an employee who complains about harassment or discrimination, or who engages in activities such as refusal to provide genetic information, testifying at or providing information related to a labor investigation, filing or having filed a workers' compensation claim, or whistleblower status as provided for by law. Another type of retaliation occurs when coworkers ostracize, employ derogatory epithets (verbal, written or gestural) against or otherwise harass an employee because he or she has complained about discrimination or harassment.

It is illegal to retaliate against any employee because of a complaint about harassment or discrimination, even if no harassment or discrimination ever happened. The City policy strictly PROHIBITS any form of retaliation against an employee because of a complaint about harassment or

discrimination. Any complaints of retaliation should be reported to your direct supervisor, City Administrator, or any Councilmember.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

Work Rules

1) Establishing and Changing
The City has the right to make and enforce reasonable work rules. Except in exigent circumstances, when existing rules are changed or new rules are established, they shall be posted prominently on all bulletin boards for ten (10) consecutive workdays before becoming effective.

2)Availability
The City shall furnish each employee with a copy of all existing work
rules thirty (30) days after they become effective. New employees shall be provided with a copy of the rules when hired.

3)Compliance With
If all valid work rules and policies are uniformly applied and enforced, city employees shall comply with such rules and policies currently in existence, as well as any that shall hereafter be made, revised, amended, or otherwise altered.

Complaint Resolution

General Complaints

The City is committed to providing an excellent working environment for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any complaint or problem can be discussed rather than utilizing any formal, restrictive grievance procedure. No employee will be penalized, formally or informally, for voicing a complaint in a reasonable, business-like manner.

Employees with concerns or complaints should first discuss the problem with their immediate supervisor or, if this is not possible, with the Department Head. Employees who believe they are not able to discuss the concern with their supervisor or the Department Head, may instead contact Human Resources and/or the City Administrator.

Employees who have a complaint about the interpretation or application of a specific City policy or about a disciplinary act may submit a written inquiry or complaint to their supervisor and, if unresolved at that level, to the City Council. Department Heads and City Council members will strive to respond to written inquiries or complaints in a timely manner. Although not all complaints can be resolved to everyone's complete satisfaction, this written option provides

employees with a method for receiving information about their inquiries and for potentially resolving concerns.

Individuals who wish to pursue a formal complaint to the City Council should submit a timely written statement of the factual basis for the complaint to their immediate supervisor. If the employee is not comfortable going to their immediate supervisor, alternative contact can be made with the City's Attorney, another Supervisor, or any Councilmember. The City Council members or their Agent will coordinate an investigation into the complaint in a timely manner. All interested parties will be afforded the opportunity to submit evidence on the complaint. At the conclusion of the investigation, the Commissioners will review the evidence in executive session and determine the appropriate course of action. The decision made by the City Council shall be deemed final.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

Drug-Free / Alcohol-Free Workplace

The City is committed to providing a safe, efficient, and productive work environment for all employees. To help ensure a safe and healthful working environment, the City does not tolerate the presence of illegal drugs or the illegal use of legal drugs in our workplace. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks and is inconsistent with the behavior expected of employees. In addition, it subjects all employees and visitors to our facilities to unacceptable safety risks and undermines the City's ability to operate effectively and efficiently. In this connection, the unlawful manufacture, distribution, dispensation, possession, sale, or use of alcohol or drug (including medical marijuana) in the workplace while engaged in City business on or off premises is strictly prohibited.

An employee must not report to work while their ability to perform their job duties is impaired due to on-duty or off-duty alcohol or drug (including medical marijuana) use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use. If you need to take a prescription drug that affects your ability to perform your job duties, you are required to discuss possible accommodation with your supervisor. If you are involved in an accident on City property or while conducting City business at another location, you may be subject to a drug and/or alcohol test.

While the City has no intention of unreasonably intruding into the private lives of its employees, employees are expected to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. An employee's off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City's goals. Such conduct is prohibited during nonworking time to the extent that in the opinion of the City, it impairs an employee's ability to perform on the job or threatens the reputation and/or integrity of the

City.

The City may require medical, drug and/or alcohol testing in the following instances:

- Pre-Employment – as a condition of hiring
- Random – periodically throughout employment
- Post-accident or injury – following a workplace accident or injury that causes significant personal injury or property damage in which there is a reasonable basis for concluding that drug or alcohol use could have contributed to the incident
- A Return-to-Work Agreement – an agreement by the City to return to work following a violation (see below)
- Reasonable suspicion – when cause exists to believe someone has violated this drug-free policy or is under the influence of drugs or alcohol during work hours
- When prescribed by law – such as Department of Transportation (DOT) requirements for individuals with a Commercial Driver's License (CDL)

All medical and/or alcohol and drug screenings will be administered consistent with the requirements of the Americans with Disabilities Act and applicable federal, state and local laws. In connection with these examinations, employees are required to provide the City with access to their relevant medical records, if requested, also consistent with applicable federal, state, and local laws. All City-required medical examinations and alcohol and drug screenings are paid for in full by the City, except as may otherwise be set forth in a Return-to-Work Agreement.

Questions about medical examinations or alcohol and drug screenings should be directed to your supervisor or the City Administrator.

The City may require drug and alcohol testing from any employee when there is suspicion of being under the influence of drugs and/or alcohol. Reasonable suspicion may include, but is not limited to: the odor of alcohol, marijuana or other prohibited substances, involvement in an accident or incident, excessive absenteeism, severe and prolonged reduction in productivity or performance, presence of the physical symptoms of drug or alcohol use; (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes), etc. Refusal to submit to such testing or a positive result on any such test may result in disciplinary action, up to and including termination of employment or revocation of offer of employment.

Depending on the circumstances and the employee's work history/record, the City may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug or alcohol testing at times and frequencies determined by the City for a time period not exceeding two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

Employees who are convicted of offenses involving controlled substances including employees who plead “nolo contendere”, i.e, “no contest”, and including employees who enter a plea of guilty resulting in a suspended imposition of sentence, must inform their Department Head within five (5) days of the conviction or plea.

While this policy applies to all City employees, those in certain Safety-Sensitive positions or in positions governed by federal, state or local regulations may be held to higher standard, including but not limited to employees fulfilling duties related to a federal contract, employees in DOT positions, and employees in safety sensitive positions are prohibited from using or possessing medical marijuana (THC) under any circumstance regardless of valid prescription.

We look to our employees to support this policy and expect cooperation in our efforts to enforce this policy and in any investigation of its violation.

Intellectual Property

Any intellectual property created by employees during the course of employment belongs to The City. Although this list is not exhaustive, intellectual property includes such items as designs, images, written work, data, software, inventions or discoveries regardless of whether it was used by the City. Intellectual property will be considered as having been created during the course of employment if it was assigned or commissioned by City staff, developed on City time, or developed with the use of City facilities or resources. No work product created while employed by the City can be claimed, construed, or presented as property of the individual, even after employment with the City has been terminated or the relevant project completed.

Confidential Nature of Work

The City will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and refrain from any illegal, dishonest or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be openly discussed with your immediate supervisor and, if necessary, with your supervisor, the City Administrator or the City Council members for advice and consultation.

While much of the work that the City does is public, certain information obtained during your employment may be sensitive or confidential. Employees must not disclose such information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the City. Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

Personnel Records

Official personnel files for each employee will be maintained by Human Resources. Although

supervisors may keep some records within the department, the official personnel file is maintained in the Human Resources Office.

Records to be maintained in the official personnel file include, but are not limited to, the following: application forms, personnel actions, training records, performance appraisals, and disciplinary actions. Due to the particularly sensitive nature, some records pertaining to employees are maintained in separate files outside the basic files such as relating to medical issues and internal investigations. These files are also maintained in the Human Resources office.

All information maintained in the official personnel files will be considered confidential and may be accessed by the supervisor, Human Resources or the City Administrator. Current employees may also review their own personnel file upon request to the City Administrator and/or Human Resources. In addition, when potential legal issues arise regarding an employee, the City's legal counsel will have access to that employee's personnel files. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. Employees, or their representative, may be provided access according to state law and at the discretion of the City.

Information relating to dates of employment, position titles and rates of pay are a matter of public record. The City Administrator will publish such information as required by law.

Human Resources is responsible for completing personnel action forms for new hires. Supervisors are responsible for completing forms for promotions, demotions, transfers, terminations, or related personnel changes. Employees are responsible for informing Human Resources of changes in name, address, marital status, dependents, emergency contacts, and beneficiaries as soon as they occur.

Section 2 - Compensation

The City Council shall have the authority to establish municipal salaries and other fringe benefits. The City Administrator will be responsible for equitable administration of Municipal salaries.

Employment Classifications

For the purpose of designating eligibility for certain benefits and overtime compensation, the following employment classifications are used:

Employees will be also classified as exempt or non-exempt.

- **Exempt:** an employee whose position contains duties and responsibilities of an executive, administrative or professional nature as described under the Fair Labor Standards Act and is therefore exempt from the overtime provisions of the Act. Exempt employees may be required to perform work in excess of the standard work week without additional compensation. Exempt employees for the City include the City Administrator, Finance Officer, Public Works Director, the Library Director and the Community Development Director.
- **Non-Exempt:** an employee whose position is covered by the overtime provisions of the Fair Labor Standards Act due to duties and responsibilities. The Fair Labor Standards Act includes the provision for payment of all overtime hours worked in excess of 40 hours per work week for these non-exempt positions.

Employees will be also classified as full-time, part-time or seasonal.

- **Full-time:** A full-time, non-exempt employee is defined as an employee regularly working forty (40) hours per week. Part-time benefited employees working less than forty (40) hours per week shall receive all normal City holidays; and vacation and sick leave at a rate proportional to full time employees on a percentage rate based on the number of hours worked.
- **Part-Time Employee:** Part-time employees are defined as employees working throughout the year but for less than 1,400 hours per calendar year. During the calendar year, a part-time employee shall not be considered full-time and therefore not eligible for paid holidays, vacation, sick leave, or other paid leaves of absence unless the employee consistently works over twenty (20) hours per week for six months.
- **Seasonal Employee**: Seasonal employees are defined as employees hired for full-time work for less than six (6) months and are not eligible for paid holidays, vacations, sick leave, or other paid leaves of absence.
- **Probationary Employees/Employee-in-Training Period:** Every employee hired by the City must complete a *6 month* training period for the purpose of assessing the individuals ability to perform their assigned duties.

  Such employment may be terminated if either the municipality or the employee feels this is the appropriate action. There is no notice required of either party for such termination

and no due process procedures will be held by the municipality for discharge during this time period. The only right for an employee to appeal or grieve a discharge action during this time is on the basis of a prohibited form of discrimination.

During this training period an employee shall accrue both sick and vacation leave at the regularly scheduled rate. Sick and vacation leave may be used at this time. An employee-in-training is entitled to paid holidays as observed by the municipality.
Two weeks before the end of the probation period, a six-month review form must be completed by their immediate supervisor and provided to the City Administrator for Council update.

Pay Periods and Paydays

Employees will be paid every two weeks on Friday for the previous Sunday through Saturday 14-day period. Time sheets must be signed by the employee and the Department Head. Department Head time sheets must be signed by the City Administrator

The municipality does not grant early paychecks/advances to employees under any circumstances.

All employees, appointed employees, appointed board members, and elected officials will be required to receive their paychecks via direct deposit.

Recording Time and Time Records

Employees are required to maintain an accurate record of all time worked using the appropriate process. Falsifying time records is a serious matter. Employees may not enter false time on purpose, enter or alter another employee's time records unless it is part of that employee's assigned job duties, falsely report that employee's hours worked or conceal any falsification of time records. Falsification of time recording, or any other violation of this policy may result in corrective action up to and including termination of employment.

It is the City's policy and practice to accurately compensate employees in compliance with all applicable state and federal laws. To ensure that work is properly paid and that no improper deductions are made, it is your responsibility to accurately record all time worked, review your time record and direct deposit stubs and promptly report any errors. Failure to do so is considered falsification of timekeeping records and is subject to disciplinary action, up to and including termination. Failure to provide time records in a timely manner may result in delayed issuance of pay.

City policy prohibits engaging in off-the-clock or unrecorded work for non-exempt employees.

The City makes every effort to ensure that you are paid correctly. Occasionally, however, errors happen. Please review your pay stub upon receipt to ensure it is accurate and if you believe a mistake has happened, you should report your concerns to your supervisor or Human Resources. We will

promptly investigate and make corrections, as appropriate.

The City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in any investigation of such reports.

Deductions from Pay

An employee's pay will be subject to required deductions for federal and state mandated items such as Federal Income Tax, Social Security, Medicare, and SDRS. Deductions will also be made for voluntary benefits. All payroll deductions will be made in compliance with the Fair Labor Standards Act (FLSA) and applicable state law.

Garnishment of Wages

Garnishments are court orders requiring an employer to withhold specific amounts from an employee's wages for payment of a debt owed by the employee to a third party. State law requires the City to honor garnishments of employee wages (including child support) as a court or other legal judgment may instruct. The law also provides for an administrative fee to be charged when a garnishment occurs.

The City will not terminate any employee solely for the reason of being subject to garnishment.

Work Hours and Breaks

The regular hours of operation for The City are based on their departments needs and open hours as set by their governing body. Because of the needs of the various work units, work hours, rest and meal periods may vary, depending on the needs of the business. In general, full-time, non-exempt employees are provided with a 15-minute, paid rest period for every four hours of work, and are usually allowed a 60-minute, unpaid lunch break for every 8-hour shift, during which time no work shall be performed. Exempt employees are expected to work full time with reasonable breaks.

Breaks and meal periods are not automatic and workloads on any given day may eliminate the break period. You may not save or accumulate unused breaks to use later in conjunction with other breaks or lunch period, nor may you use them to arrive late or leave early. No break should be taken within an hour of arriving to or leaving from work.

Staff schedules, including mealtimes and breaks, are established with consideration of staff schedules. Any variations to the regular schedule should be prescheduled and discussed with impacted staff.

Any time an employee leaves City premises for personal business during the workday, they should clock out of work; off-premises, personal errands are always unpaid.

Overtime

Each City position is classified as either non-exempt (eligible for overtime pay) or exempt (not eligible for overtime pay) for pay purposes according to the Fair Labor Standards Act.

Non-Exempt Employees

Overtime will be paid at time and one-half for hours worked in excess of forty hours per week. Except for employees of the swimming pool, which are exempt from this provision by FLSA Section 213(a)(3) of 29 U.S.C.

Vacation, holiday, or other time off benefits cannot be used to extend the length of a normal workday or work week. Time off benefits will be adjusted to avoid compensating employees above their normal work schedule.

Overtime worked must be with the prior knowledge and approval of the Department Head when able or disciplinary action may be taken. Department Heads have the authority to flex employee schedules within the work week to limit the amount of overtime worked.

Exempt employees

Exempt employees are executive, administrative, or professional workers as defined by the Fair Labor Standards Act.

Exempt employees are not eligible for overtime pay. Compensatory time off will be earned hour for hour. They are expected to discharge their job duties responsibly and efficiently and to schedule their work hours according to the needs of their position and department.

Flex Time

The City Administrator, reserves the right to authorize flexible work hours within the 40-hour work week in situations where it is appropriate or necessary. Employees must still adhere to the standard 40-hour work week unless flex time or overtime has been approved by their supervisor.

On Call Pay

A Department may make stand-by arrangements to be rotated among qualified employees. The employee designated on stand-by shall keep themselves available for immediate service that may arise by carrying a cell phone radio or providing the supervisor with a telephone number to be reached. Any employee required to stand-by on orders from the supervisor on weekends or holidays, will be paid at either time and a half or earn time and a half comp time for the hours on the job. The per diem base rate of $50 per day for hourly employees will be submitted on a timesheet for payment. In the event of call-in, the $50 per day rate will still be applied along with the overtime/comp time pay.

Clean Up

A 15 minute clean up period may be allowed at the end of the work shift when the nature of the work requires such cleanup. Such grant of a cleanup period shall not be considered automatic but shall be made on the basis of the work done each day.

Section 3 - Benefits

Statutory Benefits

In accordance with applicable law, the following benefits are provided to all employees:

Worker's Compensation Insurance:

Worker's Compensation Insurance provides financial protection if you are injured or become ill as a result of your employment. This coverage complies with the workers' compensation laws of the applicable state and the City pays the cost of this protection on your behalf.

Social Security:

Social Security coverage entitles you and your family to certain health and retirement benefits based on income and number of years worked. The City contributes to this coverage by paying one half of the Social Security tax.

Continuation of Insurance (COBRA):

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) helps qualified employees and their dependents to temporarily continue their health insurance (which may include health, dental and vision insurance offered by The City) at group rates even if they are no longer eligible under our health plan.

There are strict rules about when employees can use COBRA. COBRA lets an eligible employee and dependents choose to continue their health insurance when a "qualifying event" happens. Qualifying events include the employee's resignation, termination for other than gross misconduct, leave of absence, shorter work hours, divorce, legal separation, or death. Another qualifying event is when a dependent child stops being eligible for coverage under your health insurance.

To continue insurance under COBRA, the employee will pay the full cost of the insurance at the City's group rates plus an administration fee. When an employee becomes eligible for our health insurance plan, they will be given a written notice describing the COBRA rights.

In the event that you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plans, you and/or your dependent(s) is/are responsible for contacting the Auditor's office and the Plan Administrator to discuss continuation or conversion rights. You and your qualified beneficiary are also responsible for notifying the Auditor's and the Plan Administrator within 60 days of qualifying for social security disability benefits.

Insurance Benefits

City employees may be eligible to participate in certain other benefit programs. Employees may have to pay for all or part of the costs for these benefits through payroll deduction. For information and eligibility in these additional benefits, the appropriate Summary Plan Description and the plan documents supersede all references made in any other material distributed by the City.

In general, these benefits are offered to regular, full-time employees working more than 30 hours per week for more than six months a year. If the benefits are elected, these benefits become effective on the first of the month following 30 days of employment. If an eligible employee waives coverage, they will have the opportunity to enroll again during annual open enrollment periods, or at other times allowed by plan documents. Detailed information about each plan will be made available at the time you become eligible for enrollment.

City employees are advised to at least annually check their insurance coverage provided by the City during the open enrollment period. Be sure to check that the beneficiaries specified are up-to-date, that your health policy covers all members of the family, that your withholdings includes the correct number of dependents, etc.

Be sure to check your coverage when your marital status changes, when children are expected, and when children turn 26 years of age. If your spouse changes employment status and/or coverage, you may need to review your coverage to be sure that your spouse is covered or that you are not paying for two policies instead of one.

Retirement Plan

Employees who work 20 hours per week for more than 6 months each year must join the South Dakota State Retirement System subject to the provisions of State law. The City and the employee each contribute the percentage of the employee's salary as required by statute SDCL 3-12.

An employee may arrange for retirement from the City of Dell Rapids and return to the same position, seniority level, and vacation and sick leave accrual rate if:

1) The employee has requested and received approval to return from the City Administrator at least thirty (30) days prior to the employee's desired retirement date; and

2) The employee meets all requirements established by the South Dakota State Retirement System for retirement with full benefits subject to the provisions of State law SDCL 3-12-199 and 3-12-200.

Time Off Benefits

The City recognizes the importance of time off for employees to rest and relax, enjoy vacation, or attend to personal matters. The City provides several generous time off benefits as described below.

Designated Holidays

The City of Dell Rapids observes the following as paid holidays:

New Year's Day (January 1)

Martin Luther King, Jr. Day (3rd Monday in January)
President's Day (3rd Monday in February)
Memorial Day (Last Monday in May)
Juneteenth (June 19)
Independence Day (July 4)
Labor Day (1st Monday in September)
Indigenous Peoples (Second Monday in October)
Veterans Day (November 11)
Thanksgiving Day (4th Thursday in November)
Day after Thanksgiving Day (4th Friday in November)
Christmas Day (December 25)

All of the above holidays plus any and all holidays declared by the City Council. No holiday declared by the President of the United States or by the Governor of the State of South Dakota shall be granted unless approved by the City Council.

Observation of Weekend Holidays:

Whenever any of the holidays listed above shall fall on Saturday, the preceding Friday shall be observed as the holiday. Whenever any of the holidays listed above shall fall on Sunday, the succeeding Monday shall be observed as the holiday.

Eligibility and Compensation:

To be eligible for holiday pay, an employee must have worked or have been on authorized paid leave on the last work day prior to the holiday and the first work day after the holiday.

Any employee who is absent without leave on the working day immediately preceding or immediately following a holiday shall not be paid for that holiday.

If a holiday is observed on an employee's scheduled day off, or during vacation, they shall be paid for the unworked holiday.

In the event that an employee works on a holiday, the employee shall have the option of receiving compensation, as provided above or of taking compensation time. The time selected to take compensatory time shall be mutually agreed upon by the employee and the City. The time will be awarded on the same basis as pay is given. The employee must indicate their desire for compensatory time at the end of their first regular shift following the holiday. If the employee does not so indicate, then he shall be paid according to the procedure listed above.

For the purpose of computing overtime, all holiday hours (whether worked or unworked) for which an employee is compensated shall be regarded as hours worked.

Vacation

Vacation time will be granted based on availability. Accrual is at the following rates and the maximum carry forward from one year to the next is at the rate of one and a half (1.5) times the amount available for accrual for your years of service.

0-1	Years of service	.....10 working days
2-5	Years of service	.....13 working days
6-9	Years of service	.....16 working days
10-13	Years of service	.....19 working days
14-19	Years of service	.....22 working days
20 →	Years of service	.....25 working days

Vacation Pay

The rate of vacation pay shall be the employee's regular straight time rate. An employee that regularly works Saturday or Sunday at time and one-half (1 1/2) will receive straight time pay when on vacation.

Scheduling of Vacations

If the nature of the work makes it necessary to limit the number of employees on vacation at the same time, or in the event of a conflict over vacation periods, the employee with the greater seniority shall be given their choice of vacation period. Vacation leave may be accumulated until such time as the total accumulation reached is one and a half (1.5) times the number of days that may be accumulated in a year unless otherwise approved by the City Administrator.

If an employee contracts an illness or injury while on vacation, he shall be entitled to convert such vacation leave to sick leave pay upon certification of such illness or injury by a doctor provided such illness is incapacitating.

Vacation Call Back

Employees called back to work from vacation leave due to emergency conditions shall be paid, in addition to their vacation pay, for the actual time worked at their regular rate of pay, or may receive equal compensatory time off at the mutual convenience of the employee and the City.

Sick Leave, Defined

Sick leave shall be for the purpose of permitting an employee to be relieved of their duties during actual disabling illness, injury, or illness in the employee's immediate family as defined in this manual.

Sick Leave Accrual Rate

For employees who have completed less than ten (10) years of service, sick leave shall be accrued at the rate of one (1) working day for each month's service, with an additional day accruing for each four (4) months' service for a total of fifteen (15) working days each year.

Employees with more than ten (10) years of service shall accrue sick leave at the rate of one (1) working day for each month's service with two (2) additional days accruing for each three months' service for a total of twenty (20) working days each year of employment.

Sick leave may be accumulated up to a maximum of 960 hours.

Sick leave is accrued and charged in periods of one hour.

A full-time employee who has accumulated the maximum number of allowed sick leave hours shall receive a yearly benefit of twenty-five percent (25%) of unused sick leave hours over the maximum allowable accumulation, based on their anniversary date, to be paid on the payroll following said anniversary date. This benefit shall be calculated using the employee's salary or hourly rate prior to the anniversary date.

Sick Leave Sharing

The City of Dell Rapids recognizes that an employee may have personal and/or family emergencies/situations that cause severe impacts to the employee resulting in the need for additional time off in excess of their available vacation/sick leave time. This policy establishes criteria and standards for the donation of accrued sick leave to a sick leave bank in order to cover absence of a benefits-eligible employee necessitated by illness or injury of the benefits-eligible employee or an immediate family member (spouse, parent, or child) of a benefits-eligible employee.

Approved Leave Sharing: Medical Emergencies

A medical emergency is defined as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave sharing plan. An employee who has exhausted his or her leave may seek to draw from the sick leave bank if the employee needs more paid leave in the event that he or she experiences a medical emergency, needs to tend to a parent, spouse, or child who has experienced a medical emergency, or needs additional time off for bereavement in the event of the death of a parent, spouse, or child.

Requirements for Donation to the Sick Leave Bank

Employees who donate sick leave or vacation leave must be a full-time employee and employed a minimum of one year. To qualify to donate, the employee must have a minimum of 80 hours in their sick leave balance. An employee may donate a minimum of 8 hours and a maximum of 40 hours from their balance. The donation of sick leave is strictly voluntary and is irrevocable. Employees who donate time may not re-accumulate the donated time until one full month of employment is completed following the donation. Donor employee privacy will be protected.

Any unused sick leave donated and not used by an eligible employee will revert to the sick leave bank and will not be returned to the donating employee. The donation of sick leave is on an hour-by-hour basis, without regard to the dollar value of the donated or used leave. No employee may donate sick leave if, after that donation, his or her balance of sick leave is less than 80 hours. Employees will be given the opportunity to donate sick leave at any time or when made aware of an employee in need.

Requirements for Requesting and Use of Donated Sick Leave

Employees may request the use of leave from the Sick leave Bank after all other available paid leave has been exhausted. The employee must submit a written application form that includes the specific reasons why the employee is requesting additional paid leave from the Sick Leave Bank. The privacy of the employee will be protected in this process. Employees receiving donated sick time may receive a minimum of 40 hours and no more than 480 (12 weeks) hours of donated time within a rolling one-year period. All Sick Leave Sharing actions (recipient and donator) must be approved by the Committee of Three which would include the City Administrator, Human Resources and a leadership team member that is not the direct supervisor of the requesting employee. All leave donations will be on an hour-for-hour basis and in one-hour increments. No consideration will be given to the dollar value of the leave donated. An employee receiving and using shared leave hours from another employee will be paid for such hours based on the receiving employee's work schedule and at the receiving employee's hourly rate of pay.

Employees are prohibited from soliciting, offering, or receiving monetary or any other compensation or benefits in exchange for donating vacation leave hours.

Employees receiving and using shared leave will continue eligibility for employment benefits as defined in the City of Dell Rapids Personnel Manual. If the employee's health condition qualifies under the Family Medical Leave Act (FMLA), the employee's paid time, when using the Sick Leave Bank, will count as FMLA (maximum FMLA = 12 weeks).

Shared leave eligibility shall terminate if the employee receives the maximum number of donated leave hours (480 hours), a physician releases employee to full-time work, or the employee receives worker's compensation benefits, unemployment insurance benefits, a State retirement pension, or Long-Term Disability Insurance.

Vacation Leave as Sick Leave

After an employee's accumulated sick leave has been exhausted, unused vacation leave may be used as sick leave at the employee's request. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of the employee shall be discontinued until he returns to work.

Family and Medical Leave

The City of Dell Rapids acknowledges the Family and Medical Leave Act of 1993 and, to the extent that it is bound by the provisions of that Act, shall comply with same.

Under the Family and Medical Leave Act of 1993, employees are able to take up to twelve (12) weeks of leave during any 12-month period because of:

- the birth or adoption of a child, or the placement of a foster child;
- the serious illness of a child, spouse, or parent; or
- the employee's own serious health condition.

In order to be eligible for such leave, an employee must have been employed by the City for at least twelve (12) months and must have worked a minimum of 1,250 hours during the past twelve (12) months.

Birth or Adoption and the Placement of a Foster Child

Family leave for the birth or adoption of a child, or for placement of a foster child must be taken on a contiguous basis. The leave benefit expires at the end of the 12-month period beginning on the date of the child's birth or placement. If the mother and father are both employed by the City of Dell Rapids, then the total number of work weeks of leave available is twelve (12) weeks during any 12-month period.

Both mothers and fathers are required to utilize their accrued applicable sick leave and then annual leave consistent with the City's current leave provisions. If employees feel that they need additional time off, any additional weeks of leave necessary to attain the twelve (12) work weeks will be available without pay. Employees utilizing leave without pay for Family Leave shall not accrue benefits.

Employees must give the City thirty (30) days' notice, in writing, accompanied by a statement from their physician, prior to the family leave start date. If the date of the birth, adoption, or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

Employees who take family leave will be restored to their position of employment held when the leave commenced or to an equivalent position with the same benefits, pay, and other terms/conditions of employment.

Employees, during their family leave, are required to notify Human Resources, in writing, at least once every thirty (30) days, in order to keep the City informed of their intentions to return to work. Failure to comply with the reporting requirement will result in a forfeiture of the employee's right to return to their restored/equivalent position.

Medical Leave for a Family Member

Medical leave is available to care for an employee's spouse, child (including biological, adopted, foster child, step child, legal ward, or a child of a person standing "in loco parentis," who is either under age 18, or age 18 or older and incapable of self-care because a mental or physical disability), or parent if they have a serious health condition, which requires inpatient care (in a hospital, hospice, or residential facility) or continuing treatment by a health care provider.

A "serious health condition" is defined as illness, injury, impairment, or physical or mental condition which either requires inpatient care, or involves continuing treatment by or under the supervision of a health care provider. Continuing treatment includes two or more visits to a health care provider; two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or a single visit under the supervision of the health care provider.

Employees may use any remaining hours of their accrued sick leave for medical leave. Employees then must use their accrued annual leave following current annual leave provisions. If employees feel that they need additional time off, any additional weeks of leave necessary to attain the twelve (12) work weeks of leave will be available without pay. If this leave is not approved via requirements under the annual leave policy, the employee has the right to take leave without pay.

Employees must give the City thirty (30) days notice, in writing, accompanied by a statement from their physician, prior to the medical leave start date. If the medical condition requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

Employees are required to submit a health-care provider's certification of the medical condition of the employee's child, spouse, or parent at the time they give notice. The certification must include the date on which the serious health condition began; the probable duration of the condition; and other appropriate medical facts. The certification should also include a statement that the employee is needed to care for the child, spouse, or parent, and an estimate of the amount of time that the employee is needed. At this time, the City will request authorization from the employee or the employee's relative to contact the health care provider to verify and/or clarify any statement. Failure to provide the required certification is grounds for denial of the requested leave.

Unlike family leave for the birth, adoption, or placement of a foster child, leave taken for purposes of planned medical treatment may be requested intermittently. Such a request must be made in writing. In such a case, the City may request that the employee transfer temporarily to an alternative position (with equivalent pay and benefits) which can better accommodate such intermittent periods of leave than the employee's current position, until the employee can return to their normal working schedule.

Employees, during their medical leave, are required to notify their supervisors, in writing, at least

once every thirty (30) days, in order to keep the City informed of their intentions to return to work. Failure to comply with the reporting requirement will result in a forfeiture of the employee's right to return to their restored/equivalent position.

If the husband and wife are both employed by the City of Dell Rapids, then the total number of workweeks of leave available for caring for a parent is 12 weeks during any 12-month period. Also, medical leave for the husband or wife will allow 12 weeks of leave per employee.

Employees who use leave without pay for medical leave will not accrue benefits.

Medical Leave

Medical leave is available for an employee with a serious health condition, which requires inpatient care (in a hospital, hospice, or residential facility) or continuing treatment by a health care provider and prevents the person from working.

A "serious health condition" is defined as illness, injury, impairment, or physical or mental condition which either requires inpatient care, or involves continuing treatment by or under the supervision of a health care provider. Continuing treatment includes two or more visits to a health care provider; two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or a single visit under the supervision of the health care provider. Voluntary or cosmetic treatments do not qualify as "serious health conditions."

Employees are required to utilize their accrued sick leave and then annual leave during this time. If employees need additional time from work, any additional weeks of leave necessary to attain the 12 work weeks of leave will be available without pay.

Employees must give the City thirty (30) days' notice, in writing, accompanied by a statement from their physician, prior to the medical leave start date. If the medical condition requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

Employees must submit a health-care provider's certification of their medical condition at the time they give notice. The certification must include the date on which the serious health condition began, the probable duration of the condition, and other appropriate medical facts. The City may then request authorization from the employee to contact the health care provider to verify or clarify any statement. Failure to provide the required certification is grounds for denial of the requested leave.

The City of Dell Rapids reserves the right to obtain a second medical opinion at its own expense, or a third opinion if the second opinion is different from the first, also at the City's expense. The third opinion shall be final and binding upon both the City and the employee, and the health care provider from whom the third opinion is derived must be mutually agreed upon by the employee and the City.

Like medical leave due to a serious medical condition of a family member, leave taken for purposes of planned medical treatment for the employee may be requested intermittently. Such a request must be made in writing. In such a case, the City may request that the employee transfer temporarily to an alternative position (with equivalent pay and benefits) which can better accommodate such intermittent periods of leave than the employee's current position, until the employee can return to their normal working schedule.

Certification for intermittent leave for planned medical treatment should include the dates on which the treatment is expected to be given and the duration of the treatment.

Employees who take medical leave will be restored to their position of employment held when the leave commenced or to an equivalent position with the same benefits, pay, and other terms/conditions of employment.

Employees, during their medical leave, are required to notify their supervisors, in writing, at least once every thirty (30) days, to keep the City informed of their intentions to return to work. Failure to comply with the reporting requirement will result in a forfeiture of the employee's right to return to their restored/equivalent position.

If the husband and wife are both employed by the City, medical leave will allow twelve (12) weeks total per employee.

The employee shall submit to the City medical certification that they able to resume work prior to the employee's return to their position.

Unpaid Leave of Absence

Unpaid leaves of absence may be made available for employees needing to be away from their job when other leave options are unavailable. Situations requiring an unpaid leave of absence might include: family emergencies requiring an employee's attention during probationary periods, extended medical leave when all other leaves are exhausted, and educational leaves. Unpaid leaves of absence shall require approval of the relevant Department Head and the City Administrator. An employee requesting an unpaid leave of absence must meet the following conditions:

- Must be an employee of the City for more than six (6) months. Exceptions as described above may be approved by the Department Head and the City Administrator or the City Council.

- A performance evaluation must be completed prior to the unpaid leave of absence with the employee receiving an overall rating of good or better.

Probationary employees shall be granted unpaid leave of absence on an emergency basis only.

Employees requesting unpaid leaves of absence must submit their requests in writing to their Department Head thirty (30) days prior to the date that their unpaid leave would begin. Such requests should include the dates of the proposed leave, the purpose of the leave, a plan for staff coverage during the leave period, and a statement of the employees' intention to return to the position.

Every 30 days the employee is to submit a written letter to the Department Head indicating the employee's intention to return to work.

Benefits do not accrue during unpaid leaves of absence.

Bereavement Leave

Employees that are eligible to accrue vacation and sick leave are permitted to use up to (3) three days of funeral leave if the funeral is for a member of the employee's immediate family. (Immediate family defined as an employee's spouse, parents, step-parents, children, step children, brothers, sisters, step-brothers, step-sisters, grandparents, great-grandparents, grandchildren and great grandchildren. The term also includes a spouse's equivalent of the above).

Military Leave

The City is committed to protecting the job rights of employees absent on military service. In accordance to federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States.

If you are called to active military duty or are scheduled for Reserve or National Guard training, you should notify your supervisor and submit copies of your military orders as soon as it is practical. You will be granted a military leave of absence without pay for the period of military service or training, in accordance with applicable federal and state laws. You may choose to use any accrued vacation during that time.

In accordance with South Dakota and federal law, any employee who reports for or performs active duty during a period of mobilization in any branch of the armed forces of the United States will be entitled to reinstatement with The City provided the necessary conditions are met.

Jury Duty /Court Related Service

The City encourages employees to fulfill their civic responsibilities by serving jury duty or testifying in court when required. Employees must notify their supervisors as soon as they learn that they have been subpoenaed or summoned as a juror so that work arrangements can be made. Of course,

employees are expected to report for work whenever the court schedule permits. The City will pay employees their regular rate of pay for time spent on jury duty or to testify, but employees are expected to turn in any compensation they receive from the court for their time. Employees may receive mileage compensation provided in SDCL 16-13-46.

Time Off to Vote

As an employee of the City, on election day, you are able to vote during your scheduled work day. Plan with your direct supervisor to schedule your time out of the office. Vacation leave is not required to be used.

Donating Blood

Donating blood to the local blood mobile or area hospital can also scheduled during your work day. Plan with your direct supervisor to schedule your time out of the office. Vacation leave is not required to be used.

Community Service

Volunteering in the community is encouraged for all City staff. Up to 16 hours annually (minimum of one hour increments) can be approved by your supervisor and the City Administrator to be done during your scheduled workday. As a City, your volunteer hours are highly encouraged to be completed in town; however, volunteer hours can be completed at your leisure. Unused quarterly volunteer hours do not carry over. Vacation leave is not required to be used. Volunteer form must be completed and signed off to be included in your time sheet for that pay period.

Inclement Weather/Office Closure

Weather conditions may, on occasion, make it impossible for you to arrive at work safely. The City does not want you to take unnecessary risks to get to work under such circumstances and you should use common sense and your best judgment when traveling to work in inclement weather.

If weather conditions or other unforeseen circumstances cause the City Office to close or open late, a "level system" will be used under the discretion of the City Administrator to ensure safety and fair practices to all staff involved.
Level 1: Out-of-town employees are able to leave work early or not attend without ramifications to their attendance record. Vacation time will be required.
Level 2: Out of town and intown employees are able to leave work early or not attend without ramifications to their attendance record. Vacation time will be required.
Level 3: In the event of a Level 3, offices will be closed for the remainder of the day. Staff will be paid for their scheduled hours.

If the City opens for business and you elect not to come into work or to leave early because of dangerous weather conditions, available paid time off will be used or otherwise the time off is unpaid.

Nursing Mothers

Nursing mothers are entitled to reasonable break times each day to allow for expressing breast milk for her nursing child. The City will provide a room or location, for a nursing mother to express milk with privacy.

Leave Slips

The City requires that each leave of absence must be accompanied by a leave slip. Such leave slips must indicate the dates of the leave, type of leave to be taken or reason leave is taken and number of hours of leave to be taken. Each leave slip must be signed by the employee's immediate supervisor or department head prior to the leave being taken. If the employee fails to get prior approval for such leave it shall be considered an unauthorized absence. In circumstances such as an emergency or unexpected illness, the leave slip is to be submitted as soon as possible when the employee returns. All leave slips are to be attached to the employee's time sheet.

Staff Development

Employees may be granted special leave with pay to attend professional or technical conferences, meetings, and short course schools which relate directly to their job. The City encourages educational training that will enhance job performance. All staff development outside of the office requires approval from Department Head or City Administrator.

Travel

Use of the City vehicles is preferred for out-of-town travel rather than use and reimbursement for personal autos. If any space is available for travel in a City vehicle to the same destination, mileage will not be reimbursed. Credit cards may be obtained from City Hall and should be returned immediately along with receipts after you return to town.

If a City vehicle or space in a City vehicle is unavailable and employees must use their private vehicles for approved travel, mileage shall be paid at the IRS mileage rate in effect at the time of travel. It is essential for employees seeking reimbursement for mileage, motels, and meals, to submit receipts for all reimbursable expenses to the Finance Office. Such employees shall submit their receipts *as soon as possible* upon return from travel. Reimbursement requests will be included on the next claims list for approval. No expenses will be reimbursed if adequate receipts and/or proper documentation are not submitted. The City will not reimburse employees in advance for travel.

Proof of Insurance for Privately Owned Vehicles

All employees using their personal vehicle for City business shall provide a current Certificate of Insurance or photocopy of an insurance statement to show proof of insurance. As required by State law, proof of insurance or financial responsibility must be carried in the vehicle at all times.

Credit Cards

Use of the City credit card is permitted for authorized staff members subject to the following conditions:

1. The municipal credit card may only be used for official City business. No personal business or purchases will be allowed at any time.
2. All employees and/or council members not issued a City credit card, will be required to check out a credit card before being authorized to use the credit card. The card will be checked according to the policy established by the City Administrator and Finance Officer.
3. The person to whom the card has been conveyed will be responsible for any and all purchases made with the card while it is in possession.
4. If a credit card is lost or stolen, the person who has checked out the card will call City Hall immediately to inform the appropriate staff of what has happened.
5. Any purchases made in violation of these regulations will be reimbursed to the City by payroll deduction or by other means necessary.
6. Any person who makes purchases in violation of this policy shall be subject to disciplinary action in accordance with the personnel manual. Furthermore, criminal prosecution may be considered at the discretion of the City Administrator or City Council.

These conditions apply to all credit cards and accounts that are issued in the City's name or in the name of a City department. Credit card accounts of any kind may only be opened by the City Administrator or Finance Officer

Employee use of City Vehicles

Fueling

City vehicles are to be filled up at the City pump. The only exception to this requirement is when a City owned vehicle is used on out of town travel.

City Vehicles Involved in Accidents

An employee involved in a vehicle accident with City-owned equipment shall immediately report the accident to the Sheriff's Office and to the immediate supervisor.

Safety Belt Policy

All drivers and passengers of vehicles owned or operated by the City of Dell Rapids will use safety belts during time of operation. This policy is intended to protect the employees of the City of Dell Rapids from possible injury and loss of benefits. According to SDCL Section 62-4-37, workers involved in accidents when not wearing safety belts will not be covered under Worker's Compensation.

Exceptions to this policy would be in those vehicles which do not have shoulder safety belts as standard equipment or where it is impractical for the operator to wear a safety belt during normal working conditions. In cases of individuals who do not use safety belts while operating vehicles, this information shall be reported to the Department Head and the City Administrator.

Damages to Property

If a City vehicle causes damage to property, an uninjured employee shall not leave the scene of the accident until law enforcement arrives or the employee's supervisor has advised what to do.

Permitted Users and Passengers

City vehicles and equipment may only be operated by authorized persons. Employees shall not transport passengers except for those who are employees of the City or are conducting business with or on behalf of the City. Immediate family members shall only be permitted in City vehicles with prior approval of the City Administrator. No employees under the age of 16 are allowed to drive City owned vehicles during the course of their employment.

Driver's License and Motor Vehicle Report

A photocopy of each driver's license shall be kept on file to provide the necessary information for running a Motor Vehicle Report (MVR) and review of the driver's restrictions. A copy of each driver's MVR will be obtained annually or more frequently if the driver is under disciplinary probation or suspension.

Evaluating Motor Vehicle Reports

Any employee who drives a City owned vehicle whose driving record shows any one of the following conditions will be considered to have an unacceptable driving record and will not be permitted to drive until their record no longer exhibits one of the criteria listed below.

1) One or more serious violation(s) in the last two years.
2) Two or more at-fault accidents in the last year involving a City owned vehicle where the accident results in property damage.
    a. Any employee involved in three or more at-fault accidents within a one-year period, or more than four within a two-year period will be required to attend a defensive driving course or similar remedial type training. The employee's respecting department will be responsible for ensuring that the employee receives this training within a reasonable time-frame, training is documented, and all documentation is forwarded to the City Administrator.
3) More than three moving violations in the last two-year period, including traffic citations received as a result of an accident.
4) Any combination of traffic accidents and/or moving violations equaling five or more in the last two years.

Unless otherwise noted above, moving violations include those that involve personal vehicles that are or are not being used during employment as well as those that involve City owned vehicles.

Serious violations include, but are not limited to: driving while intoxicated, driving while under

the influence of drugs, negligent homicide arising out to the use of a motor vehicle (gross negligence), operating a vehicle without a license, using a motor vehicle during the commission of a felony, aggravated assault with a vehicle, operating a vehicle without the owner's authority, permitting an unlicensed person to drive, reckless driving, speed contest, and hit and run.

Section 4 – Standards of Conduct, Performance Guidelines & Policies

All employees are expected to meet City's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with the City's policies and procedures.

Evaluation

Department Heads shall at least annually sit down with each of their employees and conduct a performance evaluation of the employee's work habits and job performance. The evaluation should be a discussion of the employee's good points as well as areas in need of improvement. The purpose of the evaluation is to provide the employee with a record of performance, to encourage professional growth, to promote communication between the Department Head and the employee, to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. One copy shall be given to the employee and one copy shall be filed with Human Resources. Employees are required to sign their evaluations and will receive a copy. Signing does not imply agreement, but that the contents have been made known or discussed with the employee.

ANNUAL MERIT EVALUATIONS

Per the most current Pay Plan, "every City employee shall receive a performance evaluation on or before their respective employment anniversary dates. Performance evaluations shall be completed by department heads and supervisors on forms provided by the City Administrator. The amount of merit increase will be based upon the average marks received on each respective performance evaluation." **If a promotion is earned with a minimum of a 5% wage increase, the merit raise date for future merit raise eligibility shall be the effective date of the promotion.**

Standards of Conduct

The City wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity and value for all of our employees, clients and other stakeholders. Every employee has a shared responsibility toward improving the quality of our work environment. By deciding to work at The City of Dell Rapids, an employee agrees to follow the City's rules.

While it impossible to list every item that may be considered misconduct in the workplace, the following are illustrative of offenses that may result in immediate discipline, up to and including

termination.

- Violations of the policies and procedures set forth in this handbook, including violations of the Harassment and Equal Employment Opportunity policies
- Excessive absenteeism, tardiness or abuse of time off or leave privileges including failure to notify the Department Head on a timely basis
- Sleeping on duty
- Commission of a crime which is work related or which involves moral turpitude or disgraceful conduct
- Participation in or attempting to induce any employee of the City to commit an illegal act
- Dishonesty, including falsification, misrepresentation of any fact, or knowingly providing inaccurate or misleading information on City-related documents or when speaking on behalf of the City
- Fighting, disorderly conduct, horseplay, or any other behavior that is dangerous or disruptive
- Intoxication, consumption of, or being under the influence of alcohol during working hours on City property, including vehicles, or on City business
- Possessing, using, distributing, selling or negotiating the sale of illegal drugs or other controlled substances
- Carelessness or negligence, stealing, misappropriating or intentionally damaging property belonging to the City or its employees or the public it serves. This includes unauthorized use of the City's name, logo, funds, equipment, vehicles or property as well as failure to maintain confidentiality of information belonging to the City or its constituents
- Insubordination, including failure to comply with any legal work assignments or instructions by any supervisor with the authority to do so
- Failure to comply with safety standards and guidelines, including safely operating machinery, vehicles and equipment and maintaining a clean, safe work environment
- Bullying. Examples include but are not limited to: unreasonable insults or criticism, exclusion or isolation, teasing and/or spreading rumors

Discipline

Depending on the severity or frequency of the disciplinary problems, a verbal or written reprimand, suspension without pay, disciplinary probation, or separation may be necessary. While the City has progressive disciplinary steps, it does not have to follow a progression. It is within the City's sole discretion to select the appropriate disciplinary action to be taken. The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement. While we value our employees, The City reserves the right to the termination of an employee at its discretion, with or without notice, on an "at will" basis. This policy is not intended to limit the City's right to discipline or discharge employees for any reason or discharge for no reason.

Attendance and Reporting to Work

Each employee is important to the overall success of our organization. When an employee fails to work their assigned hours, someone else must do the job. Consequently, employees are expected to report to work on time at the scheduled start of the workday. Reporting to work on time means that the employee is ready to start work, not just arriving at work, at the scheduled starting time.

The City recognizes that illness or other circumstances beyond control may cause an employee to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on co-workers and can have a negative impact on the success of the City.

If an employee expects to be absent from the job for any reason, they should notify the supervisor of the upcoming absence as far in advance as possible. If they unexpectedly need to be absent from or late to work, they must notify the supervisor *at least thirty minutes prior* to the start of the scheduled workday and provide the reason for that absence or tardiness. If the supervisor is not available by phone, the employee should contact the City's main office *prior* to the start of the scheduled workday and leave a callback number. If the employee does not hear back from the supervisor, it is the employee's responsibility to follow-up with them. If a personal call is not possible because an illness, emergency or some other reason, the employee should have someone call for them.

Absence from work for two (2) days without properly notifying the supervisor may be considered a voluntary resignation. If an employee is absent for two (2) or more consecutive days, they may be required to provide documentation from their physician to support an injury- or illness-related absence, and to ensure that they may safely return to work.

Excessive absenteeism or tardiness or failure to properly contact the appropriate supervisor will result in disciplinary action up to and including termination.

Employment of Relatives

Employees at The City hold positions of public trust. All employees are responsible for the integrity and consequences of their actions. The highest standards of honesty, integrity, and fairness must be exhibited by each employee when engaging in any activity involving co-workers and the public.

While the City may employ someone who is related to a current employee in the same City department, no personal employee relationship will be allowed to be maintained if it creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest, or is prohibited by any legal or regulatory mandate. Nepotism, which is defined as the practice among those with power or influence of favoring relatives or friends, especially by giving them jobs or other preferential treatment because of their relationship, will not be allowed or tolerated.

Safety

General

The City of Dell Rapids will attempt to provide the safest possible working conditions for its employees. Safety programs exist in each department. All employees shall conduct themselves and handle equipment in such a manner as to avoid accidents. Safety rules should be observed and unsafe conditions reported to the supervisor.

Protective Gear and Clothing

If any employee needs to wear protective clothing, including coveralls or any type of protective device as a condition of employment, such protective clothing or device shall be furnished to the employee by the City. The cost of maintaining the uniform or protective clothing in proper working condition shall be paid for by the City.

Safety Glasses

The City will pay a maximum of $150.00 for safety glasses only. The employee must have an eye examination at the employee's expense supported by invoice before the City will pay its share. Any repairs to safety glasses must be job related. Accidents must be reported to supervisor before leaving shift. Replacement time for glasses is a minimum of 24 months except for job related damage.

Accidents and Emergencies

Maintaining a safe work environment requires continuous cooperation of all employees. Any work-related injury must be reported immediately to the employee's supervisor or Department Head. Failure to report is a serious matter as it may preclude an employee's coverage or delay benefits under Worker's Compensation. It is against City policy for any employee to be retaliated against for reporting a work-related injury.

Regardless of how minor you consider an injury - **Report it!**

Employees should contact their Department Head immediately if there are any work restrictions after seeing a physician or licensed health professional. The City will adhere to all federal and state workers' compensation and accommodation requirements to return the employee to work in their normal position as quickly as possible.

Compensation under worker's compensation laws for loss of time at work is payable only if the employee is completely disabled for seven (7) consecutive days. Vacation or Sick time, if applicable, may be used for shorter periods of time. Compensation is at two-thirds of the employee's normal rate of pay subject to the maximum established under South Dakota law. Full pay may be received through use of the employee's accrued Sick or Vacation in accordance with leave provisions, but will never exceed 100% of regular pay. In no case will The City and the insurance company make duplicate payments for the same time.

No worker's compensation benefits will be paid for willful misconduct, intentional self-inflicted injury, injury related to intoxication, or willful failure or refusal to use a safety appliance or procedure or any

other situation for which compensation is excluded under South Dakota law. Injuries received as a result of conduct outside the scope of assigned City duties are not covered by workers' compensation.

Violence in the Workplace

The City is committed to striving to ensure a safe workplace and reduce the risk of violence. Violence includes but is not limited to physical assault or threats to harm another person or destroy property. Employees are prohibited from bringing onto workplace property weapons and objects whose purpose is violent or threatening that are unrelated to their position at the City. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public is prohibited, except as part of their job responsibilities.

All suspicious activities or threats of violence by employees, customers, or members of the public should be reported immediately to a supervisor. The City encourages employees to bring any disputes or differences which may escalate into potential violence in the workplace to the attention of their supervisors. This includes situations where an employee has been threatened or is concerned about violence or abuse by a current or former spouse, partner, or family member. All reported incidents will be taken seriously and promptly investigated. Retaliatory action against any employee who files a complaint or any retaliatory action against any employee who assists or cooperates in any investigation is prohibited.

Any employee determined to be responsible for threats or other conduct in violation of these guidelines will be subject to disciplinary action, up to and including termination, and/or may be fully prosecuted. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and referred for prosecution.

If employees observe a situation that raises concerns, they should immediately report it to their direct supervisor. It is the employee's responsibility to be aware of and understand the safety procedures of their workplace. Furthermore, if you have a problem that is creating stress or otherwise making you agitated, you are encouraged to discuss it with your supervisor and/or with the City Administrator.

Conflict of Interest

As a general statement, a conflict of interest is defined to include any situation in which a City official, employee, or board member, in the discharge of official duties, would be required to take any action or make any decision that may cause financial benefit to: 1) that same City official, employee, or council member; 2) any member of that official's, employee's, or council member's immediate family defined to include spouse, a parent, a child, or a sibling related by blood, marriage or adoption; or 3) a business enterprise owned in whole or in part by the public official, employee or council member; unless the benefit is extended to the general public or a broad segment of the public at large.

As soon as a City official, employee, or board member is actually aware or should reasonably be aware of a conflict of interest, they are required either to make full public disclosure of or to remove themself

from the conflict of interest.

City officials, employees, and City Council members are prohibited from:

1. Using their City position or any influence, power, authority, or confidential information derived from it, or any City time, equipment, property, or supplies for private gain; or
2. Receiving any outside compensation, gift, or gratuity, for the performance of City duties, except as follows:
    a. Awards for meritorious public contribution publicly awarded;
    b. Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the employee's Department Head or the City Council; or
    c. Receipt of social amenities, ceremonial gifts, or advertising gifts, worth less than $100 in value.
    d. Unless directed otherwise by the City Council, any gifts beyond those listed above received for performance of City duties will be considered City property and will be immediately reported to the City Finance Office for inventory.

Bribery

No person seeking City employment or promotion, nor any person seeking City services or contracts, will give, render, or pay any money, service, or other valuable thing to any City employee in connection with the desired City employment, promotion, service or contract. Nor will any City employee knowingly accept such favor(s) in these circumstances.

Acceptance of Gifts

City employees may not accept individual gifts from the public. Gifts, other than advertising caps, calendars and pens, etc., valued at more than $100.00 may be considered bribes by the public. Any attempted bribes must be reported to the City Administrator at once.

Christmas gifts may be accepted if they are items that all the employees in a department may equally share; such as a box of candy or apples.

No gifts of any kind (including group gifts) shall be accepted from any business for which the City supervises in granting a license (for example an on-sale bar). City employees may receive gifts from other city employees as occurs during weddings, baby showers, birthdays, retirements, going-away, etc.

Outside Employment

City employment must be the principal vocation of all full-time City employees; however, a City employee may engage in outside employment, subject to all of the following conditions:

1. The outside employment must not interfere with the efficient performance of the employee's City position.

2. The outside employment must not conflict with the financial or public interests of the City or any of its departments.
3. Outside employment must not be the type that would give rise to criticism or suspicion of conflicting interests or duties; and
4. Outside employment must not occur while the employee is on a leave of absence, whether intermittent or continuous, for a serious health condition as defined by the Family and Medical Leave Act unless preauthorized in writing by the Department Head.

City employees must notify their Department Head before acquiring an additional job that interferes with their current City position or schedule and obtain written approval. Appointed Department Heads must notify the City Council in writing and obtain their approval before acquiring an additional job that interferes with their current City position or schedule.

Public Relations

The Employee as a Representative of the City

You, as a city employee, are an ambassador of the City. When dealing with the public you must remain friendly and courteous. A citizen must not be denied the right to complain or give an opinion. An abusive citizen should not be treated with abuse but reported to your immediate supervisor. While being friendly and courteous you must also act with regard to city policies. Courtesy does not mean that one should honor all requests. Everyone must be treated equally. *No person* should be given special services because of thier relationships or alleged special status.

In addition, if someone should contact you with a request or complaint which does not relate to your duties, provide him or her with the name of the official who can best provide the necessary information. You may write down the request or complaint on the city's observation form and give this to the appropriate Department Head. When in doubt, refer citizens to the City Administrator. Do not brush the citizen off with flippant remarks or non-sequiturs. This will only irritate the citizen and reflect your lack of knowledge about City government.

Always keep in mind that your public or private remarks about other employees or departments reflects upon you and your department. Do unto other departments and employees as you would have them do unto you. Any complaints or remarks about any other employees or departments should be referred to your Department Head or, with knowledge, to the City Administrator.

Incompatible Personal Activities of City Employees

An employee will not engage in any off-duty employment or activity that is inconsistent, incompatible or in conflict with the employee’s duties in City service. The department head determines which activities are inconsistent, incompatible, or in conflict with the duties in City service. Examples of prohibited activities include but are not limited to:

- The use of City time, facilities, equipment, or supplies for private gain or advantage.
- The use of uniform, prestige, or influence of an employee's position for private gain or advantage.
- The direct or indirect solicitation or acceptance of any gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of tangible value (beyond Section I. H. Acceptance of Gifts) in connection with or resulting from an employee's official position. Nor will employees use their official position to obtain privileges not otherwise available to them.
- The performance of an act when an employee is off duty that may later be subject to indirect control, inspection, review, audit or enforcement by that employee of the City in the exercise of their City duties.

Municipal Political Activity

City employees may not hold any elective City office and must refrain from using their influence publicly in any way for or against any candidate for an elective City office. In addition, employees should not publicly use their influence to fight established policies set by the City Council. Employees should make recommendations for improvements to their supervisors and may be requested to explain these recommendations to the City Council in order to establish or change City policies and procedures.

City employees may visit elected officials to ask questions and to express their views on matters of Council Policy. City employees should answer any questions asked by elected officials. Should the discussion be about a problem, the employee should inform their supervisor so that the matter can be addressed.

City Employees are forbidden from addressing elected officials with any complaints related to their job performance, their supervisor, or working conditions. Such matters are appropriate to be discussed with the employee's supervisor.

It is expected that employees will follow the chain-of-command (to their supervisor with, the supervisor informing the City Administrator) in meeting their day-to-day job responsibilities.

Conflict with Other Laws and Agreements

None of the rules or policies enumerated in this Employee Manual, nor any rules or policies implemented pursuant to this manual shall conflict with any collective bargaining agreement, nor with any state or federal law. To the extent that any rule or policy enumerated in this manual or implemented pursuant to this manual conflicts with a collective bargaining agreement or state or federal law, the terms and conditions of that agreement or law shall prevail.

Any unresolved complaint involving the application or interpretation of existing rules, any complaint challenging the validity of a rule or procedure on the grounds of an alleged conflict with a collective bargaining agreement, or any complaint involving discrimination in the

application of new or existing rules shall be resolved through the grievance procedure.

Amendment

The City of Dell Rapids specifically reserves the right to repeal, modify, or amend any of these policies at an aforementioned time [with or without notice] upon a majority vote of the City Council.

Saving Clause

Should any part of this manual be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific article, section, or portion thereof directly specified in the decision. Upon the issuance of such a decision, any invalidated portion shall either be removed from this manual altogether, or substituted with a provision that is not objectionable

Employees at City Council Meetings

If they wish, city employees may attend City Council meetings and speak on any issue on the agenda.

Departmental Practices and Procedures

These personnel practices and procedures shall not limit the authority of Department Heads to make rules and regulations. However, departmental rules shall not conflict with the provisions of this manual, nor with the provisions of any collective bargaining agreement, nor with any provisions of state or federal law.

Dress Code

The image that City employees project to the public is important. Employees are required to be properly attired for the job to be worked, as determined by the Department Head. Distracting, offensive, or overly revealing clothes are prohibited. Any employee who reports to work not properly dressed in appropriate attire may be requested to return home at a loss of pay.

Energy Conservation

City employees are expected to help in conserving energy by turning off lights in unoccupied spaces and adjusting heating or cooling at the end of the workday. Use of space heaters is allowed only when the heating system fails. Anytime the air conditioner or heater is in operation, windows (including combinations) must be closed.

Acceptable Use of City Owned Information Technology Resources and Computer Equipment

This policy establishes procedures and standards for the acceptable use of City-owned Information Technology resources. Employee use of City-owned I.T. equipment, including the internet and email usage is an extension of the City of Dell Rapids. The City may provide employees access to computers, networks, Internet and electronic mail (e-mail). The standards of conduct expected of every employee also applies to the use of City technology resources.

These resources include hardware, software, and data. Every employee has a responsibility to maintain and enhance the city's public image and to use the above listed tools in a productive, businesslike manner. To ensure this, the City has established the following policy for using computer/electronic equipment. This policy does not supersede any local, state or federal laws, or any other city policy regarding confidential information dissemination or standards of conduct. The electronic equipment listed above is city owned property, thus its access and use, except in the limited circumstances listed below, is for OFFICIAL USE ONLY. This equipment may only be used by authorized personnel.

Employees shall have NO EXPECTATION OF PRIVACY, regarding their use of e-mail or the Internet. All records created by Internet use or e-mail are subject to inspection and audit by management or its representatives at any time, without notice. When using company e-mail or Internet services, which include messages sent by home using the company's server, they agree to allow the employer to review and monitor all messages they send, store or receive on the system or any searches they make on web sites they visit using the City's Internet Server. By use of this equipment/systems, the employee understands and consents to the City's right to inspect, audit, and/or monitor.

The opportunity for data theft, attacks and corruption has increased significantly. To protect the integrity of City-Owned information, each user must take precautions to ensure that only authorized personnel have access to I.T. resources. It is crucial that any suspicious incidents, improper use, or activities that an employee suspects may compromise sensitive information are immediately reported to I.T.

GENERAL TERMS: City electronic equipment is to be used only for official City business; however, brief and occasional e-mail, browsing the Internet and use for non-business and/or personal matters within the confines of good judgment and within the guidelines herein described will not be deemed a violation of city policy. Usage for personal and/or non-business reasons must not impede the conduct of the City business and must not cause the City to incur any direct cost. An employee assumes full risk and responsibility for the exercise and application of good judgment; and all personal usage of the City electronic equipment is subject to later review and determination by the City, on a basis which may arguably be subjective, as to whether or not the personal usage was within the confines of good judgment and not an abusive misuse of public property.

DISCRIMINATION/HARASSMENT: Employees are prohibited from using electronic equipment to violate City Policy 2.2, titled ANTI-HARRASSMENT relating to all forms of harassment and/or discrimination.

SPECIFIC RULES AND PROHIBITION

-Unless authorized, employees may not use another employee's personally assigned account, password, login, logout, username, etc., or lend use of any of these to another person.

-Employees must be aware of and comply with licensing and copyright restrictions applicable to

software and data files they may access.
-Employee users must respect the privacy of others; employee users may not access private files or communications of others, even if unprotected, except by management as stipulated within this policy.
-The creation, dissemination, download, upload, installation or copying of illegal or pornographic documents or images is strictly forbidden. Certain work-related situations will exclude the Police Department Detective Division from this rule.
-Employees shall not use the electronic equipment in a manner which results in damage to any City property (hardware or software); employees shall use all City provided computer equipment in a manner which shall not knowingly result in the introduction of a computer virus or other destructive program or file to any City computer system.
-Accessing, posting, or sharing any racist, sexist, threatening, offensive, obscene or otherwise objectionable material (whether visual, textual, or auditory) via the Internet or e-mail is strictly prohibited.

-Electronic equipment will not be used for personal commercial purposes, political purposes, illegal or unauthorized purposes.

MONITORING, VIOLATIONS, PENALTIES
-Violations of this policy shall be reported immediately to the employee's supervisor.
-Monitoring individual usage of the electronic equipment by authorized individuals MAY occur.
-The City reserves the right to terminate or suspend an employee's access to the network account at any time should sufficient cause exist.
-The violation of these policies will result in disciplinary action up to and including termination.

Website and Social Media Policy

POLICY/PURPOSE

This policy regarding City Websites, Social Media Pages, and Social Networking Activities (the "***Policy***") shall provide guidelines for conduct by full-full time, part-time, contract, and volunteer personnel working for or on behalf of the City or any of its subsidiary bodies ("***City Employees***") who use City Websites, Social Media, and Social Networking to post information or to interact with the public on behalf of The City of Dell Rapids (the "***City***") or regarding City matters. This Policy covers all tools and technology used for all City Websites, Social Media Pages, and Social Networking Activities, both currently existing and any that may be developed in the future.

The City of Dell Rapids will employ the use of social media Web sites to reach citizens it might not otherwise reach through other Web channels. The City, may operate social media accounts such as but not limited to Facebook, Twitter, Nixle, YouTube, Instagram LinkedIN and other sites deemed appropriate by City Administration. The creation of additional pages on such sites may be created by authorization of the City Administrator.

GENERAL PROVISIONS

Information posted to any City of Dell Rapids, South social media site must be approved through the same channels as those used for content approved for the City's main Web site and must be consistent with the mission of the City of Dell Rapid's government. For the City's primary social networking sites, such as its FaceBook, Twitter and YouTube pages, content will be posted by the City Administrator or their designee in accordance with its practices for disseminating other forms of public information. Typically, that involves securing approval from affected departments (department heads or their designees), and the City Administrator's office. Content posted to social media sites may include news releases, approved photos and videos, agendas, announcements, promotional tools, and similar material.

Personal Social Media Accounts

To minimize risks, avoid loss of productivity and distraction from employees' job performance, and ensure that the resources and technology systems of the City are used appropriately, the City expects its employees to adhere to the following procedures, guidelines, and rules regarding the use of social media. The same principles and guidelines found in this manual apply to employee activities online. Employees are ultimately responsible for what they post online. Before creating online content, employees should consider the potential risks and rewards. Any employee conduct that adversely affects that employee's job performance, the performance of fellow employees, or otherwise adversely affects vendors, people who work on behalf of the City, or the business interests of the City, may result in disciplinary action up to and including termination. At all times, including off-duty hours, employees are prohibited from using social media to violate any City policies, procedures, and practices, including but not limited to: provisions prohibiting discrimination or harassment; the use of technology systems; local, state, and federal confidentiality laws, rules, and policies; and any other City policy pertaining to employee conduct.

GUIDELINES

The City staff will create and maintain the City's official Social Media accounts.

PROHIBITED CONTENT

Prohibited content includes political activities, harassing or offensive language or images, endorsements of any product, service or private organization, and commercial and fund-raising activities, except those sponsored or sanctioned by the City of Dell Rapids.

PERSONAL SOCIAL MEDIA ACCOUNTS

Employees should refrain from posting information about the City of Dell Rapids using their personal Social Media accounts. Any person identified as an employee of the City of Dell Rapids on a publicly accessible site is expected to maintain a positive online image that is consistent with the City's goals and objectives. Employees may be subject to disciplinary action, for internet postings that are inconsistent with the interest of the City of Dell Rapids or demonstrate disloyalty to the goals and objectives of the City.

Telephone Use Policy

Where business needs require mobile phone access for an employee, the City may issue a specific type of mobile phone or provide a smartphone stipend to an employee for work related communications. While personal phone calls are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the company's policy. Flexibility will be provided in circumstances demanding immediate attention.

1. Personal Cellular Phones - While personal telephone calls using City telephones are not prohibited, their frequency, duration, and volume should not interfere with ongoing work nor distract fellow employees. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. The City will not be liable for the loss of personal cellular phones brought into the workplace. If use of personal cell phones becomes an issue the supervisor may ban personal phones from the workplace.
2. Personal Use of City Provided Mobile Phones - Employees in possession of City issues mobile phones are expected to protect the equipment from loss, damage or theft and use in a manner consistent with this policy.
3. Safety Issues for Cellular Phone Use

Employees are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

All camera equipped mobile devices must be turned off and put away in areas where employees have an expectation of privacy, such as restrooms, except in the case of emergencies.

Violations of this policy may lead to disciplinary action.

Personal Property

The City will not be responsible for losses of personal property that is lost, damaged or stolen. If you bring personal property/items/belongings onto City property, you are responsible to keep track of them. If you do bring personal property, you need to understand that it will not be covered under the City's insurance and because of limitations on personal homeowners' policies with business property away from the home premises, it may not be covered under your homeowner's coverage either.

Employees should understand that all personal property brought onto the employer's premises may be inspected for purposes of enforcing the organization's policies.

Smoke-Free Workplace

For the health, comfort, and safety of employees, smoking and vaping are not allowed in City office areas, buildings, or vehicles at any time. Smoking, including vaping, will be allowed only in designated areas at least 25' feet from the City building. Employees should speak to their supervisors if they have any questions about appropriate, designated smoking areas. When smoking or using tobacco of any kind, do not leave cigarette butts or other traces of tobacco use on the ground or anywhere else. No additional breaks beyond those allowed by the Department's break policy may be taken for the purpose of using tobacco or similar products. Violation of this policy will result in a disciplinary action, up to and including termination.

Separation of Employment

Notice

Employees must give 14 days advance notice to receive earned benefit compensation upon termination unless a shorter notice is otherwise agreed upon by both parties.

Sick Leave Compensation upon Separation

Upon separation from the service of the City for other than just cause, those regular, non-probationary employees with 10 or more years of service shall be paid for twenty-five percent (25%) of their accumulated sick leave.

This shall not apply to employees who voluntarily terminate their employment with the City without giving fourteen (14) days advanced notice unless a shorter notice is otherwise agreed upon by both parties.

Vacation Compensation on Separation

Any regular employee who is involuntarily separated from the service of the City for any reason except conviction of a felony prior to taking vacation shall be compensated for the unused vacation the individual accumulated up to the maximum allowable at the time of separation. Any regular employee who voluntarily terminates service to the City must give fourteen (14) days notice to the City of such termination before using the accrued vacation leave or receiving compensation for the unused vacation upon separation.

Upon separation of employment, the individual shall be compensated for one hundred percent (100%) of accumulated vacation hours earned.

Retirement Age

There is no mandatory retirement age for employees. However, all employees must continue to meet all performance requirements and responsibilities for their position.

Return of Municipal Property

Employees are expected to return all municipal property at the time of their departure from municipal service. The municipality reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The municipality may take further action if necessary to recover municipal property.

Section 5 – Application and Appointment

Application

Employment application forms are available at City Hall as well as online. Completed applications are referred to the proper Department Heads for consideration and recommendation when vacancies occur. The City Administrator recommends staff hiring and or appointments to the Council. Council will be notified of all new hires/appointments.

Qualifications

Residency within the municipality shall not be a condition of employment, provided however, that such residency does not interfere or hamper the employee from fulfilling the duties of their position or cause the employee to miss work often. Contractual agreements stating residency requirements supersede this handbook.

The employment of immediate family members within the same department or other areas where an immediate family member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited.

Immediate family is defined as: parents, step-parents, spouse, children, step-children, brothers, sisters, step-brothers, step-sisters, aunts, uncles, nieces, nephews, grandparents, grandchildren or an individual who has acquired any of the above status through marriage.

The City Administrator shall hire and promote staff on the basis of qualifications, individual merit, and job performance. Qualifications vary in accordance with the duties and responsibilities of positions.

Appointment

The City Council, upon recommendation of the Mayor, appoints the City Finance Officer, City Attorney, and members of the Planning Commission and the Library Board. The Planning Commission elects its chairman; the Library Board selects the Library Director. Other employees are hired by and responsible to the City Administrator, who is in turn responsible to the City Council.

Upon hiring/appointment, employees will receive a written job description. The job description illustrates the kinds of duties the holder of a particular municipal position is expected to perform, although the job requirements may be expanded at the discretion of the Department Head.

Library

Per Codified Law (14-2-40), the Library Board of Trustees shall appoint a librarian to serve at the pleasure of the board. Any paid librarian shall receive any employee benefits provided all other employees of the local governmental unit and shall be compensated at rates determined by the governing body's compensation schedule if such schedule exists. If no schedule exists, the salary shall be set by the local governing body.

Per Codified Law (14-2-42), the Library Director shall appoint such staff as are necessary to operate the public library within its budgetary limitations. Library employees shall receive any employee benefits provided all other employees of the local governmental unit and shall be compensated at rates determined by the governing body's compensation schedule. If no such schedule exists, the salary shall be set by the library board.

Procedure for *All* Hires

When a Department Head has made a final decision about whom to recommend for a position in their department, the Department Head is to confer with the City Administrator before formally making the offer of employment to the applicant. All Full-Time position job selections are subject to a pre-employment background verification.

Pre-Employment Background Verification

All external candidates for Full-Time employment with the City, as well as potential rehires with any break in service must undergo a pre-employment background investigation. No external employment candidate should begin work for the City until the required screenings have been completed. The results of all background investigations will be considered confidential and handled by Human Resources. Human Resources will determine the methods for background investigations based on typical practices in the field of background verification and South Dakota State law. Based on the results of the background verification the City may disqualify an applicant from employment based on but not limited to these examples; a) Inconsistent information contained in the application in comparison to the background investigation results (i.e. significant differences in prior employment dates, education obtained or licenses held, etc…)

b) Omissions if significant information by the candidate (i.e. failure to disclose being dismissed for cause or loss of certifications required for the position, etc…) C) Failure to disclose significant background information.

Veterans Preference

Preference in employment will be given to veterans who have served on active duty and been honorably discharged from the armed forces of the United States in accordance with SDCL 3-3-1 and 33-17-1&2.

Terminal Illness / Contagious Disease

The City of Dell Rapids is committed to providing fair and equal employment opportunities for all individuals, including those who are terminally ill. The City of Dell Rapids is also committed to providing all employees a safe working environment that meets or exceeds federal, state and local standards.

The following applies to all employees of the City of Dell Rapids and ensures that employees who are terminally ill are provided with fair and equal treatment by the City. Neither terminally ill employees or employees suspected of being terminally ill will be discriminated against.

1) Policy Requirements

a) Employees who have been diagnosed as suffering from either a terminal or contagious disease should meet with the City Administrator to determine any possible or necessary changes in their current employment status.

b) Extraordinary care should be taken to avoid contact with accidental wounds or open skin lesions of employees with contagious diseases.

c) Under special circumstances and after determined to be necessary by the City Administrator in consultation with the City attorney, leave will be granted to an ill employee who can no longer work for specified periods of time.

Felony Conviction Policy

Any employee of the City of Dell Rapids who is arrested and charged with a felony will have his or her continued employment with the City automatically reviewed. Any employee who is convicted of a felony may face disciplinary action, which includes termination of employment, upon the recommendation of the Department Head.

Employment References:

In compliance with the Federal Privacy Act, the municipality is required to protect the privacy rights of all employees. In following this Act, it is the municipality's policy to provide only the following information on both present and past employees:

If an employee has been employed with the municipality; dates of employment; current position or position at the date of separation from employment and other positions held; and verification of salary information.

All confidential employment information is given solely at the discretion of the municipality and on a need-to-know basis only. Additional information may be released upon approval of the City Administrator, and upon a written and signed disclosure and release request from the employee (see appendix four). The municipality may request written verification for the need for such employment information. Due to the potential liability for the release of employment information, only persons authorized by the governing board shall give out such information. The governing board also reserves the right to instruct such authorized individual that no additional information be released on ~~certain~~ employees. All requests for information on an employee's employment shall be immediately directed to the person authorized by the governing board. Any written information disclosed about the job performance of an employee or former employee to a prospective employer of that person at the written request of the prospective employer or the employee or former employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, may not be held liable for the disclosure or its consequences. Any written response to the written request shall be made available to the employee or the former employee upon written request. For purposes of this section, the presumption of good faith is rebutted upon a showing that the former employer or agent of the former employer:
(1) Recklessly, knowingly, or with a malicious purpose, disclosed false or deliberately misleading information; or
(2) Disclosed information subject to a nondisclosure agreement or information that is confidential under any federal or state law.

Board authorized personnel are: City Administrator and Human Resources.

Providing employment references, including off-the-record remarks, without authorization in violation of the above stated policy may result in disciplinary action.

Executive Session - Personnel Discussion:

It is the policy of the governing board to recess into executive session to discuss personnel issues such as employee qualifications, competence, performance, and character or fitness. However, in accordance with South Dakota's open meeting law, no official action will be taken except in an open official meeting. Such sessions are called to protect the employer/employee relationship.

Employee Receipt & Acknowledgement of The City of Dell Rapids Employee Handbook

This Employee Handbook is an important document intended to help me become acquainted with The City of Dell Rapids. This handbook will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

You are expected to read, understand and adhere to these policies and familiarize yourself with the information in this handbook. If you have questions about the information in this handbook, you are to bring your questions to your supervisor.

From time to time, in its sole and absolute discretion and with or without prior notice, the City may change, rescind, or add to any policies, benefits or practices described in this handbook.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the The City of Dell Rapids Employee Handbook.

- I have received access to a copy of the The City of Dell Rapids Employee Handbook.
- I understand that, other than the City Council, no Department Head, supervisor or representative of The City of Dell Rapids has any authority to enter into any agreement for employment other than at will. Only City Council has authority to make any such agreement .
- I understand that this handbook and the policies and procedures contained herein supersede any and all prior policies and handbooks.
- I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the City at any time.
- I understand and agree that my employment is at-will, and that I may terminate my employment at any time, with or without notice. It also means that the City reserves the discretion to change the terms and conditions of my employment with or without notice, including, but not limited to, termination, demotion, promotion, transfer, compensation, benefits, duties and location of work. The City may terminate my employment at any time, with or without notice, consistent with appropriate local, state and federal laws.
- I understand that, should the content of this Employee Handbook be changed in any way, the City may require an additional signature from me to indicate that I am aware of and understand any new policies.
- I understand that violation of any policy is subject to corrective action up to and including termination.

- I understand and agree that my signature below confirms that I have read and understand the above statements and have received a copy of this Employee Handbook.

_____

Employee Name (Please Print)

_____ _____

Employee Signature Date