



CITY OF YANKTON

SOUTH DAKOTA

PERSONNEL MANUAL

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100 INTRODUCTION

101 Purpose and Scope

- A. This document provides the basic outline for the personnel policies, practices and procedures of the City of Yankton.
- B. The manual contains several statements of City policy and should not be read as including the fine details of each policy or as forming an expressed or implied contract.
- C. The manual is not intended to alter the employment-at-will relationship in any way.
- D. In the event of a conflict between these policies and state or federal law, the law shall prevail.
- E. Current collective bargaining agreement provisions shall supersede these policies for those employees covered by the agreement.

102 Application and Administration

- A. The City's personnel policies and procedures shall apply to all municipal employees and appointed officers unless otherwise specified or specifically excluded.
- B. The City Manager has the responsibility for the proper administration of these policies as provided in SDCL9-10-13, as amended thereto.

103 Amendments

- A. The City will attempt to keep its manual current, but there may be times when policies change before this document can be updated.

104 Departmental Regulations and Chain of Command

- A. Department heads may develop reasonable rules and administrative regulations for department employees, as long as the language does not conflict with these policies and the administrative rules and regulations are reviewed and approved by the City Manager.
 - 1) Department heads may develop other administrative processes as necessary for the management of their programs and/or City services; and
 - 2) Inter-department policies on communication and supervision may also vary, depending upon the situation as determined by the City Manager.
- B. The City of Yankton has developed a chain of command for the operation and supervision of all departments. Employees shall follow the chain of command concerning any subject related to municipal operations, personnel policies or administrative procedures.

105 Employment at Will

- A. South Dakota is an employment-at-will state, thus both the employee and employer have the legal right to terminate the employment relationship at any time, without prior notice and for any reason, except as provided by law or applicable provisions of a collective bargaining agreement.

- B. This manual does not constitute a contract of employment. No implied oral or written agreements contrary to the expressed language of this document are valid unless they are in writing and approved by the City Commission.
- C. Any employee shall be required to perform any labor or render any services in connection with the City's business, provided that the employee's hourly rate of pay is not reduced. (CBA 8.0)

106 Saving Clause

- A. Should any part or any provisions of this manual be rendered or declared invalid by legislative or court action, such invalidation of that part or portion of this document shall not invalidate the remaining portions of this manual.

107 Release of Information

- A. Unless otherwise authorized, public statements or the release of information on any matter related to municipal policy, administration, the operation of any department, or personnel management shall be limited to the City Commission, City Manager and Department Heads or designee.

200 GENERAL POLICIES

201 Equal Employment Opportunity

- A. The City of Yankton conforms to all laws, statutes and regulations concerning equal employment opportunity and affirmative action.
- B. All qualified applicants will receive consideration for employment, and all employment decisions will be based on job-related qualifications and ability to perform the job, and will be made without regard to age, race, color, religion, gender, national origin, disability status, genetic information and testing, family and medical leave, pregnancy and childbirth or related medical conditions, sexual orientation, gender identity or express, protected veteran status or any other characteristics protected by law.
- C. The City will continue the principle of equal employment opportunity in the areas of recruitment, hiring, training, promotion, compensation, and benefits.
- D. The City prohibits retaliation against individuals who bring forth any complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination.

202 Discrimination, Harassment and Sexual Harassment (CBA Article 21)

- A. The City is committed to providing a productive work environment that is free from all forms of illegal discrimination and harassment as defined below.
 - 1) Discrimination includes employment related decisions and/or workplace conduct on the characteristics noted in 201 B.

- 2) Harassment is offensive, degrading and intimidating comments and/or conduct toward an individual or individuals relating to a person's characteristics noted in 201 B.
 - 3) Sexual harassment is behavior of a sexual nature which is unwelcome and personally offensive to its recipient. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a physical nature constitute sexual harassment when:
 - a. By threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct or communication of a sexual nature will affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc., or when submission is made a term or condition of obtaining or retaining employment.
 - b. Any conduct or communication of a sexual nature has the purpose or effect of substantially interfering with work performance or creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee, including but not limited to:
 - Repeated sexual flirtations, advances, or propositions
 - Continued or repeated verbal abuse of a sexual nature
 - Foul language
 - Unwelcome physical contact
 - Graphic verbal commentaries about an individual's body or mannerisms
 - Sexually degrading words used to describe an individual
 - Displays of sexually explicit pictures, cartoons, or other materials
 - Viewing, creating and/or sending explicit or offensive materials electronically
 - Bullying, including cyberbullying
- B. No person in the service of the City or seeking appointment thereto shall be appointed, promoted, demoted, removed, or advanced in any way, or otherwise affected, on any basis or for any reason other than qualification, merit, and fitness. Discrimination against any person employed by the City or seeking employment with the City on the basis of race, sex, religion, age, color, national origin, ancestry, disability, sexual orientation, gender identity, or marital status is expressly prohibited, except where specific age or physical requirements constitute demonstrated and bona fide occupational qualifications necessary for effective work performance. (CBA 21.0). This section also relates to a person's characteristics noted in 201 B.
- C. The City and the Union shall not engage in any discriminatory practices contrary to any existing federal law or regulation or any amendment of the same, or any state law or regulation or any amendment of the same, and the City and Union shall not discriminate

against any employee on account of race, color, national origin, sex, creed, age or disability. (CBA 21.1). This section also relates to a person's characteristics noted in 201 B.

- D. All employees are responsible for reporting incidents of discrimination or unlawful harassment.
- E. Any employee who feels he/she has been the victim of illegal discrimination or harassment, including sexual harassment, or that his/her personal rights have been violated, or who has knowledge of such behavior, should immediately report the matter to a Department Head, Human Resources Director or to the City Manager. If the employee does not feel comfortable reporting the matter to any of these persons, he or she should contact any member of senior management of the City, up to and including the City Manager. All reports will be handled in a timely and confidential manner.
- F. Any immediate supervisor or Department Head who becomes aware of any possible discrimination or harassment shall immediately advise the City Manager.
- G. Upon receiving a complaint of discrimination or unlawful harassment, a prompt, thorough, and impartial investigation will be conducted. To the greatest extent practicable, the City will keep the complaint and the terms of resolution confidential.
- H. Upon conclusion of the investigation, the City will take prompt and effective remedial action if it determines that discrimination or unlawful harassment has occurred. Any employee found to have engaged in discrimination, unlawful harassment, and/or other inappropriate conduct will be subject to appropriate disciplinary action, up to and including immediate discharge.
- I. Employees who in good faith report discrimination or unlawful harassment or participate in the investigation will not be subject to retaliation or reprisals as a result of reporting the matter or providing testimony. It is the City's policy to encourage reporting inappropriate conduct and to help protect others from being subjected to similar inappropriate behavior.

203 Disability Accommodation

- A. The City is committed to complying fully with federal and state laws protecting qualified individuals with disabilities.
- B. The City will make a reasonable accommodation for qualified individuals with known disabilities unless making the reasonable accommodation would result in an undue hardship to the City.
- C. It is the employee's responsibility to notify his or her supervisor and/or the Human Resources Department of the need for an accommodation. Notification may be initiated by the employee, the employee's legal representative or the City.
- D. Upon doing so, the City may ask for the employee's input on the type of accommodation that may be necessary based on the functional limitations caused by the disability. In some cases it must be supported by medical evidence acceptable to the City Manager.
- E. The City may require an examination at City expense and performed by a physician of the City's choice. The City will not seek genetic information in connection with the request for accommodation and all medical information shall be treated as confidential.

- F. Any employee separated because of disability in accordance with shall be entitled to those benefits provided by law under Workers' Compensation, retirement fund and/or Social Security.

204 Pregnancy Accommodation

- A. The City will provide reasonable accommodations to female employees related to pregnancy, childbirth, or related medical conditions, to the extent the accommodation can be made without imposing an undue hardship on the City's business.

205 Immigration Law Compliance

- A. The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. All offers of employment with the City are conditioned upon furnishing evidence of identity and legal authority to work in the United States in compliance with the federal law. Providing falsified documents of identity and eligibility to work in the United States will result in cancellation of your consideration for employment or dismissal if employed. Every rehired employee must also satisfy this requirement.

206 Safety (CBA Article 22)

- A. The City shall provide a safe and healthful work place for all employees and correct all hazards. Nothing shall imply that the Union has undertaken or assumed any portion of that responsibility.
- B. The City is committed to providing a safe work environment for its employees. The City Manager and Department Heads shall be responsible for the establishment and enforcement of safety programs and practices among City employees and their respective departments. The City's commitment includes the establishment of an "Employee Safety Manual" and Safety Committee.
- C. All employees are expected to conduct themselves and handle equipment in such a manner as to avoid accidents and injury. Employees are responsible for complying with all City, state and department safety rules. Employees are also to report unsafe working conditions or equipment to their Department Head and/or Safety Committee representative.
- D. Seat belt usage is required by state law and City policy. All municipal employees and passengers shall be required to use seat belts when driving or riding in any City owned or leased vehicle (if equipped with seat belts) or while driving their personal vehicle on official municipal business.
- E. No employee shall be required to operate equipment or do work that any reasonable employee in the exercise of ordinary care would know might cause injury to the employee or anyone else. An employee shall not be subject to disciplinary action by reason of their

failure or refusal to operate or handle any unsafe piece of equipment or work in any unsafe work situation. (CBA 22.1)

- F. The City shall provide employees with all necessary safety equipment. Questions and requests for or regarding necessary equipment may be referred to the Safety Committee or to the Human Resources Department. Employees of Departments working in rights of way shall be issued two (2) safety shirts purchased by the City each year with replacements provided by the City at the discretion of the Department Head or supervisor. (CBA 22.2)
- G. The City shall establish and maintain a program for adequate safety training in each department. The Employees may exercise all legal rights to secure a safe and healthful workplace, in a reasonable manner, without threats, loss of pay, or other reprisals of any kind. The Union shall present any and all safety concerns to the Safety Commission before taking any further action. (CBA 22.4 & 22.5)

207 Electronic Media and Services

- A. Employees may have access to one or more forms of electronic media, and services while working for the City (e.g. computers, email, radios, telephones, cell phones, voice mail, fax machines, external electronic bulletin boards, internet, social media, on-line bulletin boards, etc.). The City encourages the use of these media and associated services because they make communication more efficient, effective, and because they are valuable sources of information about vendors, customers, products and services. However, electronic media and services provided by the City are City property, and their purpose is to facilitate City business.
- B. Employees are responsible for using such equipment in a professional manner.
- C. When requested, employees must provide any passwords for City accounts to their immediate supervisor, must not attempt to access files or information that is unauthorized, and must take care to assure the security and confidentiality of information, when appropriate.
- D. Employees are responsible for the content of all files and communications they create, store and send, and all web locations they access. Employee should have no expectation of privacy as the City reserves the right to access and monitor all files, communications, and history of equipment use.
- E. Use of personal electronic devices such as personal cell phones, I-pods and MP3 players can be used during paid working hours as deemed appropriate by supervisor and do not distract from work performance.
- F. Information and files on City owned electronic equipment is considered City property and is subject to review and inspection at any time.
- G. Any stipend for using a private cell phone for City business is at the discretion of the City Manager.
 - a. Effective January 1, 2023, the City shall not issue any new cellular phone, tablet, or computer technology reimbursements and stipends. Employees who wish to utilize personal cell phones, tablets, or computers for work purposes shall first be required to

sign a consent and waiver acknowledging that such use is voluntary and that employees are not permitted to utilize their personal devices for work purposes unless the employee is clocked-in, or the employee is responding to assigned on-call duties, or the employee has the prior written permission of the Department Head or supervisor.

- H. Nothing in this policy is intended to restrict communications or prevent employees from engaging in protected activity under the National Labor Relations Act (“NLRA”), such as discussing wages, benefits, or terms and conditions of employment or legally required activities.

208 Driver’s License

- A. The City requires that all municipal employees, appointed officers, elected officials, and anyone else who operates a City vehicle must have a valid driver’s license.
- B. Each driver must have the required driver’s license for the specific type of they are operating and must provide documentation to the department head or immediate supervisor.
- C. If an employee loses his/her driving privileges, or has them restricted in any manner, he/she must report the matter to their Supervisor, Department Head and the City Manager immediately and provide proof of an authorized work permit.
- D. The loss of driving privileges may result in disciplinary action, up to and including termination.

209 Smoking and Tobacco Use

- A. City facilities are smoke free and tobacco free. Smoking and other tobacco use, including electronic cigarettes, is not allowed in City vehicles or equipment, and shall be permitted only in designated smoking areas outside of buildings and away from main entry ways, and only during designated break times. The City asks that smokers and tobacco users please use proper containers for extinguishing and disposing of tobacco products.
- B. The ban on smoking and tobacco applies to employees, customers and visitors.

300 CONDITIONS OF EMPLOYMENT

301 Recruitment

- A. The public announcement of all regular and temporary, full-time and part-time positions open for employment will be made by the City Manager’s office. An exception may be made with prior approval of the City Manager.
- B. Where sufficient qualified applicants are anticipated from within the current City staff, open positions may be posted internally for a period of seven (7) days.
- C. If qualified applications are not received within seven (7) days or if sufficient qualified applications are not anticipated internally, position opening may be advertised using:
 - 1) Local newspaper;
 - 2) South Dakota Department of Labor;
 - 3) City website

- 4) Department postings; and
- 5) Other venues, such as social media and professional publications.

302 Application

- A. Individuals interested in applying for a specific position must complete and submit a City employment application form. A resume may be required as well.
- B. Applicants need to indicate on the form the position title(s) for which they wish to be considered.

303 Background Checks

- A. The City may conduct background checks as part of the employment process, in compliance with applicable laws. The investigations may involve a third party administrator.
- B. The information that may be collected may include but is not limited to:
 - 1) Criminal and civil filing background;
 - 2) Employment history;
 - 3) Education;
 - 4) Credit; and
 - 5) Professional and personal references.
- C. **The City has the right to make the final decision about employing an individual after the background check is complete even if an applicant is given a conditional offer of employment before completion of the background check.** Information obtained from the background check will be kept confidential by Human Resources.

304 Eligibility and Qualifications

- A. To be eligible for employment with the City, an applicant must:
 - 1) Be legally eligible to be employed in the United States as proven on the required I-9 form;
 - 2) If applicable, be registered for the Selective Service as required by Federal and State laws.
 - 3) If applicable, be able to pass a physical examination and drug screening as outlined in 306.
- B. The City maintains job descriptions for each position which:
 - 1) Establishes the minimum required levels of education, experience and physical fitness necessary to qualify for appointment; and
 - 2) Details of the desired skills or qualifications.
- C. Where all other qualifications are equal, 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 as defined and specified by SDCL §§ 33A-2-1 to 33A-2-3.

305 Selection and Appointment

- A. The nature of examinations to determine the relative fitness and selection of applicants for employment to or promotion within City service will differ with the position to be filled.

- B. Each applicant for a particular position will be given the same examination by the department head including any or all of the following factors:
 - 1) Education;
 - 2) Experience;
 - 3) Knowledge;
 - 4) Skills;
 - 5) Physical fitness;
 - 6) Personality;
 - 7) Character; or
 - 8) Other qualifications deemed necessary for satisfactory job performance.
- C. The appointment of City employees is subject to the approval of the City Manager which entails:
 - 1) Notifying the selected applicant by the City Manager in writing;
 - 2) Extending an offer of employment, including a starting date;
 - 3) Ensuring that the new employee is aware of at-will conditions of employment during the training period and beyond.
- D. Upon employment acceptance the employee will be assisted by the Human Resources Coordinator in compiling all necessary and proper paperwork to establish an individual personnel file.
- E. Personnel files shall be accessible only to the City Manager, an employee's Department Head and to any others with a demonstrated need to know. An employee shall have reasonable access to his/her personnel file upon request to the City Manager.
- F. As noted in 107A, the release of information, concerning personnel management is strictly controlled.

306 Physical Fitness

- A. In order to determine physical fitness for duty, persons employed for a regular full-time or part-time position may be required to take and pass a post-offer pre-employment physical and drug screen. Physicals and drug screens may also be required at any time during City employment.
- B. The physical will be performed according to guidelines established by the City in order to determine fitness for duty.
- C. An employee may be examined by their own physician.
- D. Certain employees (e.g. police officers) may be required to pass an agility test and/or psychological examination prior to and/or during employment.
- E. All reports will be kept confidential and separate from the employee's personnel file. Access to the file will be limited, with authorization needed from the City Manager.
- F. Any costs incurred to conduct any of the aforementioned tests or examinations shall be covered by the City.

307 Residency

- A. Employees of the following departments are required to live within fifteen (15) miles of the legal corporate limits of the City, including Nebraska. A map illustrating the 15-mile area is provided in the Appendices. The area is subject to change.
 - 1) Chan Gurney Airport;
 - 2) Water/Wastewater Plants;
 - 3) Street Department (on-call for snow removal);
 - 4) Parks and Recreation Maintenance (on-call)
- B. Individuals who live more than fifteen (15) miles outside the City limits may apply for employment with the City for these positions. If they are selected, they shall be required to comply with this policy within 120 days of employment.
- C. The City Manager, at his/her discretion, may require Department Heads and other key employees to live within, or in close proximity to, the City.
- D. On-call employees must comply with Section 418B.

308 Nepotism

- A. For the purpose of this policy a “relative” is defined as a
 - 1) Spouse
 - 2) Child (natural, adoptive, foster, or stepchild)
 - 3) Parent
 - 4) Brother
 - 5) Sister
 - 6) Grandparent
 - 7) Grandchild
- B. Persons related to each other may be employed at the City, which could include them working in the same department. Each individual must be hired on his/her own merits and is qualified and suitable for employment with the City.
- C. Efforts shall be made to see that no employee is placed under the supervision of a relative. Such effort shall not be at the expense of any employee or any candidate for employment. The City shall have the option of transferring an employee to a comparable job of equal classification in order to avoid supervision by a relative.
- D. No employee of the City may hire, appoint, review, supervise, direct, promote, or participate in decisions involving hire, renewal, retention, supervision, promotion, evaluation, or compensation of a relative.
- E. Individuals who are related to current City employees may apply for and be considered without prejudice for any advertised positions at the City. However, any City employee who is related to the applicant cannot participate in any aspect of the hiring process.
- F. An employee cannot participate in personnel decisions involving a relative who is a City employee. These decisions include but are not limited to
 - 1) Performance evaluations;
 - 2) Salary determinations;
 - 3) Work assignments;

- 4) Travel;
 - 5) Office space;
 - 6) Disciplinary actions; and
 - 7) Termination decisions.
- G. The City Manager will determine if any personnel matters involving relatives create a bias or conflict of interest. Alternative supervisory procedures may be implemented to address conflict of interest situations.

309 Outside Employment

- A. Employees are permitted to engage in outside employment as long as outside employment does not interfere with the employee's duties at the City. Department Heads must have written approval from the City Manager.
- B. The supervisor, Department Head or City Manager may rescind prior approval if the additional outside employment interferes with the employee's City duties.
- C. Police Department employees must obtain written permission from the Chief of Police to perform off duty security related assignments.
- D. No City employee who is drawing sick leave, workers compensation, and/or FMLA benefits from the City shall work at any other employment during his/her time on City sick leave.
- E. The City of Yankton Workers' Compensation coverage is not extended to employees while engaged in outside employment.

310 Personnel Records

- A. It is the employee's responsibility to inform the Human Resources Office of any changes in:
 - 1) Name;
 - 2) Address;
 - 3) Phone number;
 - 4) Withholding status;
 - 5) Emergency contact information;
 - 6) Other pertinent changes which could affect their employment.
- B. Personnel records will be maintained in accordance with the records management and retention manuals for municipalities, published by the State Bureau of Administration.
- C. Confidential benefit and medical information will be kept in a separate file which is maintained by the City Manager or his/her designee. This information will only be disclosed on a need-to-know basis.

311 Employment References

- A. The City will provide only the following information on both present and past employees.
 - 1) Whether an individual is or has been employed with the City;
 - 2) Dates of employment;
 - 3) Current position or position at date of separation from employment and other positions held; and
 - 4) Verification of salary information.

- B. Additional information may be released upon approval of the City Manager. The City may require a written authorization prior to releasing any employment information.
- C. Only persons authorized by the City Manager shall give out employment information. Providing employment references including off-the-record remarks without authorization is prohibited.

400 EMPLOYEE CLASSIFICATIONS AND PAY PLAN

401 Probationary Period (CBA Articles 18.5.1 and 18.5.2)

- A. Every employee shall be on probationary status for the first six (6) months of employment for the purpose of assessing the individual's ability to perform their assigned duties.
- B. The probationary period for police officers is one year.
- C. During the probationary period, the employee may be terminated without the right of appeal or grieve or due process.
- D. An employee shall accrue both sick and vacation leave during the probationary period. Sick leave and vacation may be used as necessary only to the point of what has accrued.
- E. Probationary status employees shall not accrue seniority.
- F. Employees on probationary status are eligible to participate in a City retirement plan, accrue sick leave, purchase life insurance, and accrue paid holidays. Employees on probationary status shall receive City dental and health insurance at the end of their first full calendar month of employment.
- G. Employees will be entitled to paid holidays during the probationary period, as observed by the City.
- H. The probationary period may be extended by the Department Head for a maximum of six (6) months. No more than one extension of the probationary period shall be permitted without approval by the City Manager.
- I. Upon completion of the probationary period, the Department Head/Manager shall interview the employee and complete an employee evaluation form.

402 Administrative Probation

- A. An employee who has completed the probationary period may be placed on administrative probation when their work performance shows a definite deterioration.
- B. An action plan must be developed at the beginning of the probation period with an evaluation completed at the end of the period.
- C. The maximum amount of time an employee will spend on administrative probation is six (6) months. The number of times that an employee can be placed on administrative probation will not be limited.
- D. An employee may be terminated during or after administrative probation with the approval of the City Manager.

- E. An employee does not have to be placed on administrative probation prior to disciplinary action or termination.

403 Classification of Positions

- A. Each job within municipal service shall be assigned an individual title, or jobs of similar characteristics, duties and responsibilities shall be assigned to a group classification.
- B. Each job shall be classified in accordance with the character, difficulty and responsibility of designated duties and skills, educational and physical requirements, hazards and supervision received and exercised.
- C. The City Manager may reclassify, reassign and/or transfer any employee or employees when in his/her opinion such actions are desirable for the improvement of municipal operations.

404 Regular Appointment (CBA Article 2)

- A. Regular full-time and part-time employees participate in all fringe benefits as may be available. *(CBA 2.0)*
- B. A regular, full-time position is based upon a forty (40) hour work week. Exceptions apply to the Police Department. *(CBA 2.0)*
- C. A regular, part-time position involves less time than the normal work week but at least thirty (30) hours per week. *(CBA 2.0)*
- D. Regular, part-time employees are eligible for benefits on a pro-rated basis unless otherwise specified. The benefit ratio is based upon comparing their budgeted workday with an eight-hour work day.
- E. Certain benefits may be the same for regular part-time and full-time employees. Current examples include health, dental, vision and life insurance benefits.
- F. Regular, part-time employees may be eligible for South Dakota Retirement System participation.

405 Part-Time Appointment

- A. Employees working less than thirty (30) hours per week with pay computed to an hourly basis, as recommended by the Department Head and approved by the City Manager, shall not be entitled to fringe benefits. *(CBA 2.1)*
- B. Part-time employees will be covered by workers' compensation.

406 Temporary Appointment (CBA Article 2)

- A. Employees with the following appointment situations shall not be entitled to fringe benefits. They will be covered by workers' compensation.
 - 1) Temporary Appointment – Involves filling a regular position when circumstances warrant, not exceeding twelve (12) months, unless agreed to by the parties. *(CBA 2.2)*
 - 2) Part-time Appointment – Involves a work week of less than thirty (30) hours, with pay computed on an hourly basis, as recommended by the department head and approved by the City Manager.

- 3) Seasonal Appointment – Involves employees appointed to a position lasting no more than six months. It is typically seasonal in nature (example: summer laborer).

407 Contract Labor

Independent contractors, technical experts, and consultants appointed to render specialized temporary services are not considered employees and, therefore, are not eligible for any benefits including workers' compensation.

408 Performance Evaluations

- A. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve and discuss employee goals and objectives.
- B. Evaluations will be conducted by the employee's immediate supervisor and/or Department Head. The City Manager may attend all evaluation meetings at his/her discretion. Evaluations of Department Heads will be conducted by the City Manager.
- C. An evaluation will be conducted at least once per year and as often as determined necessary.
- D. Evaluations will be conducted in private and employees are required to sign the evaluation. Signing does not imply agreement, but that the contents have been made known or discussed with the employee.
- E. Employees will receive a copy of the evaluation upon request.

409 Pay Plan

- A. The pay plan shall consist of a salary range for each classification. The pay range for each classification provides the minimum and maximum rate of pay for regular full-time and regular part-time employment.
- B. Salary ranges are determined by the relative difficulty and responsibility of the positions of the class, qualifications, prevailing rates of pay, cost of living factors, financial policy of the City and other economic conditions.
- C. Copies of the salary ranges and position title schedule shall be available for review by all City employees through their respective Department Heads.
- D. The City Manager, as the Chief Administrative Officer of the City, shall be responsible for the administration and interpretation of the official pay plan and shall establish all salaries and wages for all employees subject to the limits and procedures established herein.
- E. No salary payment shall be made to any employee which would have the effect of causing the employee's total pay for any period to exceed the maximum rate prescribed for the employee's range, except as required in adhering to regulations established for overtime allowances, shift pay, on-call pay, sick leave payout or out of class pay.
- F. The minimum rate of pay for a range shall be paid upon original appointment to the range. Appointment at a rate above the minimum may be authorized by the City Manager.
- G. A cost of living adjustment and yearly step increase must be approved by a resolution of the City Commission.
- H. The union understands that in some situations department heads or city management may

wish to recognize an employee for work performed above and beyond expectations by awarding increases on the pay scale at the discretion of the City Manager. Examples may include but are not limited to: special projects, advanced certifications, etc. In order to maintain competitiveness or to retain quality employees in the employment marketplace, sometimes city management must increase pay for specific positions or classes of positions or grant specific employees increases as determined necessary at the discretion of the City Manager. The union also acknowledges that the contract sets a baseline and is not intended to serve as a mechanism to halt or impede employee performance that goes above and beyond, or to prevent the City's efforts to recruit or retain quality employees in a competitive employment marketplace. The city shall notify the Union president and Union representative via email about any additional compensation awarded to bargaining unit employees and the reasons the extra compensation is given. All efforts will be made to ensure that such additional compensation is being awarded and approved by the City Manager in an impartial manner for the reasons so reported. (CBA 13.5)

410 Overtime (CBA Article 17)

- A. Any work performed in excess of the employee's scheduled workday or in excess of forty (40) hours in a work week shall be considered overtime and shall be compensated as overtime or as compensatory time. Vacation and sick leave shall be considered as hours worked when computing overtime.
- B. Overtime for police officers is based upon a twelve (12) hour workday and 80 hour work period.
- C. Any overtime worked shall be with the prior knowledge and approval of the Department Head or designated supervisor.
- D. Time and one-half of the employee's regular rate of pay shall be paid for all work performed in excess of forty (40) hours in any workweek or all hours worked over the scheduled work day. Vacation and sick leave shall be considered as hours worked when computing overtime. Holiday leave shall be considered hours worked when computing overtime only to the extent the employee actually begins a shift on the holiday. (CBA 17.0)
- E. Overtime is to be distributed equally to all employees of a department. If an employee is requested to work overtime, but due to other conditions and commitments cannot perform the overtime work assigned, the Supervisor shall direct a qualified employee to work the overtime. The employee scheduled to work the overtime shall immediately notify the Supervisor of any conflict so that the Supervisor shall direct a qualified employee to perform the overtime prior to the conclusion of the workday. (CBA 17.2)

411 Compensatory Time Rate (CBA Article 17)

- A. If the employee works overtime, the employee may, with the approval of the Department Head, choose to take compensatory time instead of overtime pay. Compensatory time shall be awarded at the rate of one and one-half (1 ½) hours of compensatory time for each hour of overtime worked. (CBA 17.1)

- B. Employees may accumulate compensatory time to a maximum of forty-five (45) hours. However, the City Manager may authorize individual and specific exceptions to the maximum allowable accrued compensatory time on a case-by-case basis to accomplish a reasonable administrative or staffing objective. (CBA 17.1)
- C. The days to be taken off shall be at the option of the employee with the approval of the Supervisor/Department Head. (CBA 17.1)
- D. Public Service Dogs (PSD) require routine maintenance and care every day including weekends and holidays. PSD handlers should get three and one-half (3 ½) rate stipend for the care of PSD.
- E. Specialized shifts as recommended by the Department Head and approved by the City Manager shall only be compensated overtime pay or compensatory time off for any work performed in excess of forty (40) hours in a work week. (Note: Specialized shift applies only to non-union eligible employees.)

412 Travel Time

- A. Travel time will be compensable for employees depending upon the kind of travel involved. This includes travel from job site to job site and travel to work-related meetings. Time spent traveling between home and the departure site is considered the equivalent of travel between home and work and is not compensable.
- B. Time spent traveling to and from another City is counted as hours worked even on days that are not normal workdays. Therefore, employees who are traveling to their destination need to be paid for the time spent traveling. If an hourly employee takes a one-day trip, all the time spent traveling (including meals) between cities is counted as hours worked. However, time spent traveling between home and the departure is equivalent of travel between home and work and is not compensable. Employees will be paid up to their regularly scheduled number of hours per day for travel, meetings, and seminars. Overtime/compensatory time must be approved by the Department Head.
- C. When an hourly employee is involved in overnight, out-of-town travel, a specialized shift shall apply. All time for the work week shall be straight time until the employee has worked forty (40) hours. (Note: Specialized shift applies only to non-union eligible employees.) Time spent traveling to and from another City is counted as hours worked even on days that are not normal workdays. Therefore, employees who are traveling to their destination need to be paid for the time spent traveling. However, time spent traveling between home and the departure site will not be paid. Meals and social events in conjunction with a conference are not considered time worked unless the employee has been directed by management to attend the activity for the purpose of fulfilling a work-related function. Overtime/compensatory time for the remainder of the workweek must be approved by the Department Head.
- D. All paid travel time must be requested and approved at least two weeks in advance by the Department Head and the City Manager prior to traveling.
- E. A travel request form must be completed and approved. An example of the form is provided in the Appendices.

413 FLSA Exemption

- A. To the extent permitted by federal or state law, all FLSA exempt personnel shall not receive extra compensation or overtime pay. The need for them to work extra or irregular hours from time to time in order to carry out their assigned responsibilities and properly administer the authority vested in them is a consideration in the determination of their salary. Time off reflecting extraordinary time worked is at the discretion of the City Manager and is not an “hour for hour” basis.

414 Dates of Pay

- A. All employees shall be paid on a biweekly basis with Friday being the payday.
- B. In the event a payday falls on a holiday, employees will be paid the last workday before the holiday.

415 Volunteer Firefighters

- A. An employee who is a member of a volunteer fire department, volunteer ambulance service, or search and rescue team is required to use leave (vacation or compensatory) for emergency response if the service is performed within the volunteer’s established normal work day when authorized by the employee’s supervisor, Department Head or the City Manager.
- B. Volunteer service outside this area must have prior approval of the employee’s supervisor or Department Head.
- C. Training and other activities supporting these volunteer activities will be considered on a case-by-case basis by the employee’s supervisor or department head. The absence is considered time off with pay.
- D. Volunteer firefighters shall be paid as established by the City Commission.
- E. Volunteers must be approved by the City Commission to be eligible for workers’ compensation.

416 Longevity Pay (CBA 13.4)

- A. Regular Employees hired after January 1, 2008 are not eligible for longevity pay until they have completed 25 years of continuous service with the City, beginning on the 25th anniversary date. Longevity pay shall be granted to eligible employees in accordance with the following schedule and the amount will be frozen until the employee reaches 25 years of continuous service with the City:

| | |
|--|-------|
| 5-9 years from date of hire to January 1, 2012 | \$250 |
| 10-14 years from date of hire to January 1, 2012 | \$350 |
| 15-19 years from date of hire to January 1, 2012 | \$450 |
| 20-24 years from date of hire to January 1, 2012 | \$550 |
| 25+ years from date of hire | \$650 |

- B. In order to be eligible for longevity pay, the following conditions must be fulfilled:

- 1) "Length of Service" shall be the full number of complete years of employment, calculated on the basis of the employee's hire date, during the calendar year.
 - 2) Those years of service must be continuous.
 - 3) Employees who have had their career interrupted by service in the Armed Forces of the United States and who resume their City careers within the period of time specified in applicable federal law shall have all prior service and military service counted as years of service.
- C. Any question of eligibility shall be determined by the City Manager.

417 Payroll Records and Final Pay

- A. The Department of Human Resources shall keep appropriate records of all persons employed, their pay scale, time worked, compensatory time, accrued and used vacation and sick leave, holiday pay, all absences from duty and all other records pertinent to payroll, including the extension and verification of payroll.
- B. An employee, who is laid off, dismissed or who otherwise terminates their employment shall receive their final pay on the first regularly scheduled pay day following termination of employment and only after all City property has been returned.
- C. No employee shall be paid for any unused sick leave upon termination of employment except for any payment in excess of maximum accumulation as designated in Section 604D.
- D. An employee who has been employed six (6) months or longer shall be paid all unused vacation and pro-rated sick pay if over the maximum accrual upon termination of employment.
- E. An employee shall be paid all unused compensatory time upon end of employment.

418 On-Call, Out of Class and Shift Differential Pay (CBA Articles 13 and 16)

- A. An employee who is scheduled for call time during other than normal working hours shall receive on-call compensation at straight time in the amount of one hour for each twenty-four (24) hours in which the employee is on-call. (CBA 16.0)
- B. To be eligible for on-call pay, an employee must be regularly scheduled to be on-call, available when called, carry employer-supplied communications equipment, and live within fifteen (15) miles from their designated on-call station. (CBA 16.1)
- C. Department Heads who have on-call employees shall prepare an on-call list and make it available for all employees concerned. Employees who are on-call may trade on-call dates subject to the approval of the affected employees and the employees' supervisor(s), Department Head, or the City Manager. (CBA 16.2)
- D. Any employee who works out of class may be eligible for additional compensation. An employee works out of class when
 - a. (1) an employee is responsible for covering duties of an absent employee
 - i. excluding an absent employee with the same duties or an absent employee with the same or lower job class salary range attendant to their job title for longer than a period equivalent to two weeks or
 - b. (2) the employee's Supervisor and Department Head or the City Manager determine

the employee is working out of class. (CBA 13.21)

- E. An employee may apply for out of class pay by submitting the form labeled “Wage Adjustment Request Form” attached hereto and incorporated by this reference to their Supervisor and their Department Head. The Supervisor and Department Head shall make a recommendation to the City Manager on whether to deny or authorize the request. A Supervisor and Department Head may also make a recommendation to the City Manager on behalf of an employee. The City Manager shall make the ultimate determination to deny or authorize the request. The City Manager may consult with the parties involved in making a determination. If the request is denied, the City Manager shall provide a written rationale of denial to the employee and Department Head. (CBA 13.2.2)
- F. An employee classified as a differential shift employee or an employee working a differential shift shall be paid a shift differential of \$1.00 per hour in addition to their regular base hourly rate of pay for the differential shift. (CBA 13.3)
- G. The Police Department shift differential is established by the City Manager.

418A Call-In Pay (CBA Article 15)

- A. An employee called to work outside of their regularly scheduled work shift after having left the premises shall be paid at the rate of one and one-half times (1½) his or her regular rate of pay for the actual amount of time spent engaged in work outside of his or her regularly scheduled shift. However, each on-call shift in which any call can be handled by the employee remotely (i.e. via telephone, mobile device, computer, etc.) and does not require the employee to travel to his or her customary workplace, the employee shall be paid for a minimum of one-half (½) hour of work at one and one-half (1½) times his or her regular work pay for each response. Subsequent calls within the same one-half (½) hour will not result in additional compensation for that time. For each on-call shift in which one or more calls actually requires the employee to travel to his or her customary workplace, the employee shall be paid for a minimum total of two (2) hours at one and one-half times (1½) his or her regular work pay even if the total cumulative work from all calls is less than two (2) hours. Subsequent calls within the same two (2) hours will not result in additional compensation for that time. (CBA 15.0)
- B. If the call time assignment and the employee’s regular shift overlap, the employee shall be entitled to work his regular shift. (CBA 15.1)

419 Insurance Benefits (CBA Article 10)

- A. The City of Yankton will make group health, vision, and dental insurance programs available for participation by eligible employees. Please refer to the governing Plan documents for more information about the benefits.
- B. Payroll deduction is also available for other insurance and insurance buy up programs as available.
- C. The City shall provide each part-time regular and full-time employee with a \$15,000 life insurance policy with the premium to be paid entirely by the City. (CBA 10.1)

- D. The City shall provide all regular part-time and full-time employees with dental insurance with benefits that are equivalent to those now in effect with the premium for each employee (single coverage only) to be paid entirely by the City. (CBA 10.2)
- E. In the event of a significant increase in health care insurance costs, the City reserves the right to re-open union negotiations with respect to health care insurance and coverage at any time during the life of this Agreement or upon its expiration. (CBA 10.4)

420 Retirement Benefits (CBA Article 10)

- A. The City participates in the South Dakota Retirement System. Please refer to the governing Plan documents for more information about the benefits. Class A employees contribute 6% of their gross income biweekly to the system and Class B employees (sworn officers and fire) contribute 8%.
- B. The City matches these contributions.
- C. The City also participates in the South Dakota Retirement Supplemental Plan.

421 Deferred Compensation

- A. The International City Manager's Association (ICMA) and South Dakota Retirement Supplemental offers a deferred compensation plan to all municipal employees. Please refer to the governing Plan documents for more information about the benefits.
- B. Payroll deduction is available for employee participation in any of the funds available.

422 Flex Plan

- A. This plan allows for employees to pay for eligible insurance premiums with untaxed dollars. Please refer to the governing Plan documents for more information about the benefits.
- B. Expenses for unpaid medical costs and dependent daycare may also be run through this plan in accordance with all applicable plan rules, regulations, and guidelines.

423 Paperless Payroll

- A. Direct Deposit is required for all employees and will automatically deposit employee's pay into a designated checking and/or savings account on each payday.
- B. The first payroll after sign-up will be used by the bank to verify accuracy of account numbers and funds. The following payroll will commence the automatic deposit of funds as indicated on the authorization form and can be accessed through the Employee Self Service website.

424 Training

- A. Each department may determine and provide necessary training beyond that which is a prerequisite to employment for its employees.
- B. Any training which will require the employee to be out of the City or will incur any obligation on behalf of the City shall first be recommended by the Department Head and approved by the City Manager on the Travel Request/Travel Advance Requisition form.

- C. Any person undertaking such training shall submit the Employee Training Record form to Human Resources within ten (10) days of the training. This form will be placed in the employee's personnel file.
- D. If the City requires certificates or special training for a position, the City shall provide reimbursement of the fee required for the employee to obtain such certification. Commercial Driver's License fees shall be reimbursed after the successful completion of the employee probation period. (CBA 7.0)

425 Transfers and Promotions

- A. Vacancies will be filled by promotion wherever practical and whenever in the best interest of the City. Where applicable, promotions may require examinations.
- B. In departments where written promotional exams are given on a regularly scheduled basis, personnel shall take and pass prescribed examinations before being eligible for promotion.
- C. Employees wishing to transfer to another department or division when an opening exists must complete an employment application form.
- D. Upon meeting minimum qualifications for the stated position, the employee's name shall be placed on the proper eligibility list for consideration.
- E. When a job opening is posted, present city employees who apply and other applicants will be considered. All City employees who apply for an open position will be guaranteed to receive an interview for the position. (CBA 18.2)
- F. Upon offer of employment and acceptance, the employee shall give two (2) weeks notice to their current Department Head. The transfer shall be effective the first work week following the two (2) weeks notice or as agreed upon by the impacted parties.
- G. Employees promoted or transferred to a new position or division shall be subject to the probationary period policy and procedures described in Section 400 including termination for unsatisfactory performance. However, regular employees who have completed an initial or an extended probationary period shall be entitled to due process if terminated.

426 Committees

- A. The purpose of the Employee Committee shall be to make recommendations to the City Manager regarding employee events/activities, interests, and concerns which affect the working environment of the employees of the City of Yankton. The Committee shall work on employee recognition, employee wellness programs, annual appreciation events, and other duties as assigned by the City Manager. The employees of the City of Yankton shall select representatives to the Committee on or before January 1 annually. Each selected member serves a two (2) year term and shall serve no more than two (2) consecutive terms. The number and distribution of representatives shall be determined by the City Manager.
- B. The Health Insurance Committee (CBA 10.0) is made up of three (3) persons appointed by the City Manager, three (3) employees appointed by the collective bargaining unit and three (3) employees appointed by the FOP (Fraternal Order of Police). A non-voting chairman shall be appointed by the City Manager. The committee shall review the health insurance plan annually, shall request and review quotes for the health insurance when deemed necessary,

and shall make recommendations regarding such plans. The City will not make any changes without receiving a recommendation from the Health Insurance Committee, doing so no later than October 15 of each year. (CBA 10.5)

- C. The Safety Committee is described in Section 502
- D. Consistent with the City's anti-harassment policies, no employee shall face any retaliation or harassment as a result of their participation in, or the decisions of, any City Committee. (CBA 10.6)

500 SAFETY AND TRAVEL (CBA ARTICLE 22)

501 Safety

- A. Employees shall make reasonable effort to exercise good judgment and take appropriate precautions in the performance of their work. Department Heads and supervisors shall exercise reasonable effort to see that employees are properly trained in how to safely perform their various tasks and utilize equipment. Recklessness, laxity or carelessness will not be allowed. Prompt action shall be taken to correct or repair faulty equipment or hazardous conditions in work areas.
- B. Department Heads and supervisors shall exercise reasonable efforts to see that adequate protective equipment is available for use by employees under their supervision. Employees whose work requires prescription safety eyeglasses or who are in positions in which prescription eyeglasses may be damaged or broken due to occupational risks may request and will be provided with one pair of prescription safety eyeglasses at City expense.
- C. Employees who are no longer on probationary status and required to wear safety glasses shall be reimbursed for the purchase of safety glasses up to \$100.00 per year. Employees shall be required to present a receipt or other suitable proof of purchase as a condition of any reimbursement. (CBA 7.1)
- D. Employees with duties that may put them at an increased risk of foot injury are eligible for a boot reimbursement. The boots that are purchased by employees must have safety features such as a steel toe/composite toe protection, puncture resistant sole, etc., and the boots must be purchased in Yankton.
- E. Employees who are no longer on probationary status and who wear boots with safety features shall be reimbursed for the purchase of properly conforming boots up to \$150.00 per year. (CBA 7.1)
- F. For an employee to receive reimbursements, their receipt must be submitted to the Human Resource Department.
- G. All City personnel and passengers operating or occupying City vehicles or equipment, or one used on official business, will wear safety belts (lap and shoulder).
- H. Safety belt assemblies in City vehicles or equipment shall not be modified or altered in any manner without the express written approval of the Department Head.
- I. City vehicles or equipment with inoperable safety belt assemblies will not be used until the safety belt assemblies are repaired.

- J. Exception: There may be times and circumstances where the use of safety belts may be deemed inappropriate or inadvisable due to the nature of the function. Supervisory personnel may grant in writing an exception to this policy pursuant to the specific situation. As with any policy deviation, rationale must be warranted and explained upon request.
- K. Enforcement: It will be the responsibility of supervisory personnel to monitor and enforce this policy. City personnel disregarding this policy may be subject to disciplinary action.

502 Safety Committee (CBA 22.3)

- A. The City and the collective bargaining unit shall establish and maintain a joint Safety Committee.
- B. The committee will be composed of three (3) members designated and appointed by the City Manager and three (3) members designated and appointed by the collective bargaining unit. The City Manager shall appoint a non-voting chair.
- C. The committee shall meet on a regular basis as mutually agreed upon no less than once every quarter. The committee shall be charged with:
 - 1) Reviewing accidents and providing recommendations for future safety practices (without declaration of fault related to the incident);
 - 2) Hearing and reviewing presented health and safety concerns and make recommendations regarding such;
 - 3) Making recommendations for formal safety training programs; and
 - 4) Developing, reviewing and recommending a risk management policy and a safety manual.
- D. In reviewing an accident it is not the responsibility of the Safety Committee to place any blame, responsibility, liability or justification in any manner.

503 General Travel Policies

- A. In order to advance the training and professionalism of its staff, the City of Yankton authorizes attendance at certain schools and conferences, and recognizing that employees sometimes travel outside the City to conduct business, herein provides a policy framework for use by City employees.
- B. In all cases, City employees are expected to show good judgment and proper regard for economy in incurring travel and related expenses.
- C. In no instance will the City incur any cost for a member of an employee's family or other approved individual who may accompany the employee on an official trip in a private vehicle. However, with the City Manager's approval, an employee's spouse may ride along in a City vehicle with the cost difference for any expenses to be paid by the employee. The special request should be made at the same time as the travel request.

504 Travel Guidelines

- A. City employees shall make a reasonable effort to take the most economical mode of transportation feasible for any given travel assignment or arrangement.

- B. When an employee elects to take a more expensive mode of travel, said employee shall only be reimbursed for the more economical form of travel by the City. Employees are permitted, with supervisor approval, to have their own motel/hotel room.
- C. If the employee elects to arrange their own separate transportation rather than ride with other employees in available City transportation, the employee shall not be reimbursed for any travel expense.
- D. Adequate receipts shall be required for all expenses incurred on any authorized travel (with the exception of miscellaneous expenses explained below). In addition to transportation, the City shall provide for the payment of lodging, meals, registration fees and miscellaneous expenses where necessary.
- E. Reimbursement for meals shall be based on the South Dakota Department of Labor & Regulations in-state and out-of-state meal rate reimbursements with the express prohibition of City funds being spent on any alcoholic beverages.
- F. Registration fees shall be paid by the City in advance where possible.
- G. Miscellaneous expenses with or without a receipt (such as cab fares, tips for cabs or occurrences where receipts are not normally received) will be paid where found to be reasonable for such items as local transportation, tips and other miscellaneous expenses which are incurred by said employee.
- H. All employees shall be expected to complete an expense report within five (5) working days of return to the City from authorized travel. A per diem allowance may be requested in advance and approved at the discretion of the Department Head or City Manager instead of a reimbursement.
- I. The City shall reimburse employees for the use of their personal vehicles authorized by the City Manager or his or her designee for City business at the Federal maximum allowable rate. (CBA 13.1)
- J. If an employee elects to take their own vehicle when a City vehicle is offered, they shall be reimbursed for gas expense only.
- K. The City Manager may authorize advance travel monies in an amount not to exceed the estimated budget for the trip.
- L. Any City-approved expenses reimbursed to the employee by an outside agency must be returned to the City.

600 LEAVES OF ABSENCE

601 General Policies

- A. An employee must be in full pay status while on leave, that is, not on leave without pay or injury leave unless otherwise noted. Exceptions to this policy are noted specifically for seniority credit while on military leave without pay. A request for a leave of absence may be denied.
- B. When an employee is promoted, demoted or transferred, all sick leave, vacation leave and compensatory time credit remain to the employee's credit and shall be so transferred. Every effort should be made to exhaust compensatory time prior to the transfer.

- C. When possible all requests for leaves of absence, with or without pay, shall be made in writing at least ten (10) days in advance of the beginning date, or as designated, to the immediate supervisor except for sick leave or injury leave requests.
- D. It is the obligation of each employee to report to work on time on a regular basis. The City will not tolerate excessive abuse of leaves with or without pay. The City has defined excessive absences as four (4) or more days within a 60-day period in which the absence has not been authorized and approved by the Department Head and City Manager or there appears to be a pattern of abuse occurring with a particular employee.
- E. Prior permission must be obtained from your department head and approved by the City Manager to take a leave of absence without pay. While on leave without pay, you will not accumulate leave credits and you must make provisions to pay for your voluntary payroll deductions.
- F. Unauthorized and unreported absences may result in a deduction of pay and may be cause for disciplinary action. You must report the reason for any absence to your supervisor as soon as possible.
 - a. If you work less than your set hours of 40 hours per week/80 hours in pay period or take leave without pay, you will accumulate sick leave at a reduced rate in proportion to the number of hours worked.
 - b. The Director of Human Resources and your Department Head has the authority to investigate suspected misuse of sick leave. If you are guilty of misuse of sick leave, the time off will be charged to leave without pay. Misuse of sick leave may be cause for disciplinary action.
 - c. Requests for leave other than sick leave must be approved by your immediate supervisor prior to your departure time. If you are ill, you must notify your supervisor prior to the start of your work shift.
 - d. The amount of time you are absent from your job without prior authorization or notification will be considered absence without leave. You will not be paid for that time. Unauthorized or unreported absences may be cause for disciplinary action.

602 Earned Vacation (CBA Article 4)

- A. Employees shall accrue annual paid vacation leave starting immediately upon employment at the rate specified below: (CBA 4.0)

| | |
|-------------------|-------------------|
| 0-5 years | 80 working hours |
| 6-10 years | 120 working hours |
| 11+ years or more | 160 working hours |

- B. For the purposes of vacation eligibility in the preceding section, vacation can be used as it is accrued in the first six months of continuous service. Vacation and personal holidays accrued during the first six months of continuous service are not eligible for payout if employment terminates during a new hire's probationary period. (CBA 4.1)
- C. All regular part-time employees of the City shall accrue vacation based upon a prorated basis equal to their standard equivalent workday or work week. (CBA 4.0)

- D. Vacation should be scheduled at least two weeks in advance. The City will attempt to grant vacation at the time requested by the employee unless, in the judgment of management, operation necessity requires staffing. The City reserves the right to limit the number of employees on vacation at the same time and to limit the number of successive days of vacation taken by an employee. If the City determines it necessary to limit the number of employees on vacation at the same time, the first submitted request shall prevail. *(CBA 4.4)*
- E. In the event of any conflict over simultaneous requests for vacation periods, the employee with the greater seniority shall be given his/her choice of vacation period. *(CBA 4.4)*
- F. Vacations may only be used as earned and must be taken in at least fifteen (15) minute increments. Reporting of vacation leave may not cause more than the standard equivalent workday to be reported. The rate of vacation pay shall be the employee's regular rate of pay times the number of hours that would have been worked had the employee not been on vacation. *(CBA 4.2 and 4.4)*
- G. Employees will accrue vacation with each pay period. Vacation hours not used during the calendar year in which they are earned may be carried over into successive years. *(CBA 4.3)*
- H. The maximum allowable accrued vacation shall be two (2) times the amount of vacation earned in a year based on the employee's hire date. Any hours above the maximum accrual allowed, will be lost. However, the City Manager may authorize individual and specific exceptions to the maximum allowable accrued vacation on a case-by-case basis to accomplish a reasonable administrative or staffing objective. *(CBA 4.3)*
- I. Any employee who is separated from the service of the City for any reason prior to the taking of vacation leave shall be compensated for the unused vacation the employee accumulated at the time of separation. Reimbursement for vacation leave will be at the employee's salary rate on their last day of employment. In the event of the employee's death, the earned, unused vacation is owed to his or her estate. *(CBA 4.5)*
- J. As vacation leave is granted to employees for the purpose of job relief, no employee shall be permitted to waive such leave. Each employee is encouraged to take a minimum of five (5) days of continuous vacation per calendar year after the first year of employment. Holidays and compensatory time may be included in the calculation of five (5) days.
- K. Any official holiday set forth in this article which shall occur during an employee's scheduled vacation shall be counted as a holiday, not as a day of vacation. *(CBA 4.6)*

603 Family and Medical Leave (CBA Article 14)

- A. The City shall adhere to the terms of the Family and Medical Leave Act of 1993 as amended (the "FMLA") as set forth in 29 USC Chap. 28 and 29 CFR Part 825. The City of Yankton shall utilize the 12-month rolling forward method to calculate an employee's available leave. The City shall adopt and maintain an FMLA policy and FMLA procedures consistent with the terms of the FMLA. *(CBA 14)*
- B. Family and medical leave in accordance with the FMLA will be paid to the extent of the accrued sick leave available to the employee. After the accrued sick leave has been exhausted, any further family and medical leave shall be paid only to the extent the employee has available compensatory time off or vacation leave. After all such paid leave

has been exhausted, all remaining family and medical leave shall be without pay. Employees may elect to leave banked and unpaid a cumulative total balance of forty (40) hours of accrued compensatory time off or vacation leave for future use consistent with the terms of this Agreement. However, nothing herein shall grant any employee the right to take more job-protected leave than that granted by the FMLA. (CBA 14)

- C. In order to be eligible for FMLA leave, an employee must:
 - 1) Have at least 12 months of service (which need not be continuous) for the City;
 - 2) Have worked at least 1,250 hours for the City during the 12-month period immediately prior to commencement of the leave; and
 - 3) Be employed at a worksite where 50 or more employees are employed by the City within 75 miles of that site.
- D. Employees who meet the eligibility requirements described above may be entitled to take up to 12 workweeks of unpaid leave for certain qualifying reasons during a 12-month period. The City designates the method used to calculate the 12-month period in which employees can take FMLA leave for qualifying reasons as the “rolling” method that is measured backward from the date the FMLA leave begins. Leave may be taken for any of the following qualifying reasons:
 - 1) The birth of employee’s son or daughter, and to care for the newborn child during the first 12 months following the birth;
 - 2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child during the first 12 months after placement;
 - 3) To care for employee’s spouse, son, daughter, or parent (but not in-law) with a serious health condition;
 - 4) Because of employee’s own serious health condition that makes the employee unable to perform one or more of the essential functions of his/her job.
- E. If both spouses are both employed by the City, they will be limited to a combined total leave of 12 weeks if the leave is taken for the birth of, or to care for, a newborn child; for the placement of, or to care for, a newly adopted or foster child; or to care for an employee’s parent with a serious health condition.
- F. Military Family Leave: In addition to the basic family and medical leave outlined above, there are two (2) types of Military Family Leave available:
 - 1) Qualifying Exigency Leave. Employees who meet the eligibility requirements described above may be entitled to take up to 12 weeks of unpaid leave for certain qualifying exigencies. This leave may be used if the employee’s spouse, son, daughter, or parent (the military member) is on covered active duty status or has been notified of an impending call or order to covered active duty. Qualifying exigencies may include:
 - i. Short-notice deployment: Leave (up to 7 calendar days) to address any issue that arises from an impending call or order to active duty in support of a contingency operation seven days or less prior to the date of deployment.
 - ii. Military events and related activities: Leave to attend any official ceremony, program, or event sponsored by the military related to the covered active duty or call to covered active duty.
 - iii. Child and school activities: Leave to arrange or provide for childcare or school-related activities.
 - iv. Financial and legal arrangements: Leave to make or update various financial or legal arrangements.

- v. Counseling: Leave to attend counseling (by someone other than a health care provider) when necessary as a result of the covered active duty or call to covered active duty status.
 - vi. Rest and recuperation: Leave to spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment (up to 15 calendar days each instance).
 - vii. Post-deployment activities: Leave to attend arrival ceremonies (including funeral or memorial services), reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status.
 - viii. Parental care: Leave to arrange for alternative care for a parent of the military member when the parent is incapable of self-care; to provide care for a parent of the military member on an urgent, immediate need basis; to admit to or transfer to a care facility; or to attend meetings with staff at a care facility when such care or arrangements are necessitated by the covered active duty or call to covered active duty status of the military member.
 - ix. Additional activities: Leave to address other events arising from the military member's covered active duty or call to covered active duty status agreed upon between employer and employee.
- 2) Leave to Care for Injured Servicemember. Employees who meet the eligibility requirements described above may take up to 26 weeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness incurred in the line of duty on active duty, if the employee is the spouse, son, daughter, parent, or "next of kin" of the covered servicemember.
 - 3) Leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.
 - 4) In cases where both spouses are employed by the City, they will be limited to a combined total of 26 weeks of leave during the 12-month period if leave is taken to care for an injured servicemember.
- G. Intermittent and Reduced Schedule Leave: FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday), if medically necessary. Leave due to qualifying exigencies may also be taken on an intermittent basis. Intermittent or reduced schedule leave not medically necessary but requested by the employee (such as time to care for a newborn or newly placed child) may be approved on a case-by-case basis in the sole discretion of the City.
- H. If leave is unpaid, the City will reduce an employee's salary based on the amount of time actually worked. Employees will not be charged FMLA leave for periods during which they are working. FMLA leave will be accounted for in increments of one hour. Employees who require intermittent leave or reduced leave schedule are encouraged to arrange medical treatments and appointments to minimize work disruption to the extent possible. An employee requesting intermittent leave that is foreseeable may be required to transfer temporarily to an available alternative position offered by the City for which the employee is

qualified and which better accommodates recurring, intermittent periods of leave than the regular employment position of the employee. The employee will be entitled to equivalent pay and benefits but will not necessarily be assigned the same duties in the alternative position.

- I. Benefits and Protections: During an approved FMLA leave, the City will maintain the employee's health coverage as if the employee continued to be actively working. If paid leave (e.g., PTO, short- or long-term disability, etc.) is substituted for unpaid FMLA leave, the City will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the City will provide instruction and the employee must make other arrangements to pay his/her portion of the premium. Health care coverage will cease if premium payment is more than 30 days late. If payment is more than 15 days late, a letter will be sent notifying the employee of the late payment. If payment is not received within 15 days after the date of this letter, health care coverage will be dropped for the duration of leave, retroactively to the date the premium payment was due, as a result of non-payment of premiums.
- J. If an employee elects not to return to work for at least 30 calendar days at the end of the leave period, he/she will be required to reimburse the City for the cost of the health benefit premiums paid by the City for maintaining coverage during the leave unless the employee cannot return to work because of a serious health condition or other circumstances beyond his/her control.
- K. On return from an approved FMLA leave, employees will generally be returned to the same position held as when leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. In addition, if health care coverage lapsed because of lack of premium payment, health care coverage will be restored upon return. Use of approved FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- L. During FMLA leave, the employee will not accrue any additional employment benefits (e.g., PTO, holiday pay, bereavement leave, 401(k) contributions, etc.) except as specifically required by law or as provided in the City's written policies and plan documents. Benefits accrued by the employee before the leave began will be restored to the employee when he/she returns to work.
- M. Requesting FMLA Leave:
 - 1) Foreseeable: If an employee's need for FMLA leave is foreseeable, the employee must give the City at least 30 days prior notice of the need to take leave.
 - 2) Unforeseeable: When 30 days notice is not possible, employees must give notice as soon as practicable (generally within two business days of learning of the need for leave, except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying or denying leave.
- N. Upon requesting leave, employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. Vague, ambiguous or non-responsive information will be considered insufficient. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Refusal or failure to give reasons for requesting FMLA leave or to provide the requested medical certification may result in the delay or denial of FMLA leave.
- O. Medical Certification: An employee will be required to provide a timely, complete and sufficient medical certification by a health care provider if the leave request is: 1) for the employee's own serious health condition, 2) to care for a family member's serious health

- condition, or 3) military caregiver leave. Employees must provide the requested certification within 15 calendar days unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. If the certification is not complete or is insufficient, employees will be required to obtain and provide the additional information necessary to make the certification complete and sufficient. Failure to provide the requested certification in a timely manner may result in delay or denial of the leave. If an employee refuses or fails to provide a certification, his/her leave request may be denied and the employee will be held to the City's attendance policy. If necessary, the City may contact the health care provider directly to clarify or authenticate a medical certification provided by an employee.
- P. The City, at its expense, may require the employee to obtain a second opinion if it has a reasonable question regarding the medical certification provided by the employee. If the second health care provider's opinion differs from the original medical certification, the City, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency, such as active duty orders. When a leave is requested, the City will notify the employee of the requirement for medical certification and when it is due. Failure to provide complete and sufficient certification as required may result in the delay or denial of FMLA leave.
- Q. Notice of Eligibility and Designation of FMLA Leave: After requesting FMLA leave, employees will receive written notice of:
- 1) Their rights and responsibilities in connection with such leave;
 - 2) The designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and
 - 3) The amount of leave, if known, that will be counted against the employee's FMLA leave entitlement. The City may retroactively designate leave as FMLA leave with appropriate written notice.
- R. Recertification: Depending on the circumstances of the leave, the City may require recertification of a medical condition for an employee's own serious health condition or a family member's serious health condition every 30 days in connection with FMLA-related absences. Recertification may be requested more often under some circumstances, such as with an extension of leave, if circumstances described in the previous certification have changed or the City receives information that causes it to doubt the validity of the employee's stated reason for the absences.
- S. Returning From Leave: If leave is taken because of an employee's own serious health condition (except when employee is taking intermittent leave), employees may be required to provide medical certification that they are fit to resume work. The certification must also identify any applicable restrictions. Fitness for Duty Certification Forms may be obtained from Human Resources. Employees failing to provide the release from their health care provider may not be permitted to return to work.
- T. Reporting While on Leave: If leave is taken because of an employee's own serious health condition or to care for a family member, employees must report periodically on their status and intent to return to work. In addition, employees must give notice as soon as practicable (within two business days, if feasible) if the dates of leave change, are extended, or initially were unknown.
- U. Paid Leave Utilization During FMLA Leave: FMLA leave is unpaid. Employees eligible for FMLA leave must first utilize accrued PTO days during this leave. Please note that

employees receiving short- or long-term disability or workers' compensation benefits will not be required to utilize their accrued PTO. However, employees may elect to utilize available PTO days to supplement these benefits. FMLA absences will be unpaid upon exhaustion of all paid leave. The substitution of paid leave time for unpaid leave time does not extend the applicable 12-week or 26-week leave allotment. In no case should the substitution of paid leave time for unpaid leave time result in receipt of more than 100% of an employee's salary.

- V. Concurrent Leaves of Absence: To the extent that an employee is entitled to take FMLA leave pursuant to this policy, and under the same circumstances is also entitled to take one or more kinds of leave pursuant to other policies or practices, both the FMLA and otherwise available leaves will be deemed to be taken concurrently.
- W. No Work While on Leave: While on approved leave, it is expected that employees only engage in those activities that are consistent with the reason for the leave. The taking of another job while on an approved leave of absence is grounds for immediate termination, to the extent permitted by law.
- X. Recordkeeping: Records and documents relating to certifications, re-certifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the personnel files.
- Y. Employees should contact the Human Resources Department for FMLA eligibility and provision details. A copy of FMLA provisions will be made available to employees upon request.

604 Accrued Sick Leave (CBA Article 5)

- A. Sick leave benefits are granted on the basis of: *(CBA 5.0)*
 - 1) Eight (8) working hours per month of service on a forty (40) hour work week.
 - 2) Sick leave with pay may be accumulated to a maximum of 960 hours.
 - 3) Employees holding regular appointment with a standard work week of less than forty (40) hours shall earn sick leave credits and have a maximum accrual of sick leave credits based on their budgeted work week compared to a forty (40) hour work week.
- B. Sick leave may be authorized on any scheduled work day other than holiday or other authorized absence for the following: *(CBA 5.1)*
 - 1) Personal illness or off the job injury.
 - 2) Enforced quarantine of the employee in accordance with community health regulations.
 - 3) Illness in the immediate family when it can be clearly shown that an employee's presence is required. Immediate family shall mean the employee's spouse, natural child, adopted child, foster child, stepchild, parents, step-parents, brothers, sisters, grandparents, grandchildren and the same relatives of a spouse. The employee's Department Head or the Department Head's designee shall approve such use.

- C. Reporting of sick leave may not cause more than the standard equivalent workday to be reported on the City's timekeeping software timesheet. *(CBA 5.1)*
- D. When a person accumulates the maximum sick leave allowed, additional sick leave will continue to accrue until the end of the calendar year. However, this additional sick leave may not be used and will not carry over into the next calendar year. Each employee, who accrues this additional leave, shall be paid based on one (1) hour pay for every two (2) hours additional sick leave accrued. A review of all employees' sick leave records shall be made on the last working day in December with payment the first payday in January. *(CBA 5.2)*
- E. The employee shall complete a timesheet note (giving the reason sick time is being used) in the City's timekeeping software for all sick leave used and submitted with the timesheet reporting sick leave taken. After approval by the Department Head and City Manager, the report will be placed in the City's timekeeping software timesheet. *(CBA 5.4)*
- F. Sick leave with pay is authorized only if the employee notifies their Department Head or supervisor of the necessity for absence. An employee whose work requires a substitute for a particular shift assignment is required to give reasonable notification in advance of the employee's assigned time to start work. *(CBA 5.5)*
- G. If an employee is absent from work and has not notified the Department Head or supervisor of an illness, sick leave will not be granted for the absence and the absence will be recorded as an unauthorized leave. *(CBA 5.5)*
- H. A medical certificate or other substantiating evidence of illness may be required for any sick leave absence. Abuses of sick leave benefits shall be sufficient cause for an employee to be disciplined. *(CBA 5.5)*
- I. For an extended period of sick leave, a doctor's report of expected duration shall be sufficient. *(CBA 5.5)*
- J. Before an employee can be permitted to perform assigned duties after having sustained an injury or having been ill beyond forty (40) continuous work hours, said employee may be required to present the Department Head and the Human Resources Department with a physician's report stating that the employee is fit for work. *(CBA 5.5)*

605 Funeral/Bereavement Leave (CBA Article 9)

- A. An Employee shall be granted up to twenty-four (24) hours paid absence for general bereavement and to attend or plan for a funeral following death of a member of their immediate family which shall include: spouse, natural child, adoptive child, foster child, stepchild, parents, stepparents, brothers, sisters, grandparents, grandchildren and the same relatives of the employee's spouse. *(CBA 9.0)*
- B. Employees may take up to 56 additional hours for the death of a spouse and up to 16 additional hours for the death of other members of immediate family as defined above. Additional days of bereavement/funeral leave shall be deducted from the employees' accumulated sick or vacation leave. *(CBA 9.0)*
- C. All funeral/bereavement leave must be used within one year of the death. *(CBA 9.0)*
- D. A timesheet note explaining employee's relationship to the deceased must be completed within the City's timekeeping software timesheet for all bereavement leave used and

submitted with the timesheet reporting bereavement leave taken. After approval by the Department Head the note will remain on file in the City's timekeeping software timesheet. (CBA 9.0)

- E. The policy of the City of Yankton is to purchase flowers only in the event of an employee's death. This policy does not apply to family member's of the employee.

606 On the Job Injury (CBA Article 5)

- A. The City of Yankton (the "City") is committed to maintaining a safe workplace. The City provides a clean, hazard-free, healthy, safe environment in which to work and make every effort to comply with all applicable federal, state and local occupational health and safety laws. (CBA 5.6)
- B. Each employee has a duty to comply with the City's safety rules and you are expected to take an active part in maintaining this hazard-free environment. This includes employees working in a pre-approved remote work arrangement, who are also encouraged to set up an ergonomically-friendly environment. (CBA 5.6)
- C. Each employee shall observe all safety rules, adhere to all safety instructions provided by supervisors and use safety protections where required. Each employee's work area shall be kept neat, clean, orderly and free from potential hazards. (CBA 5.6)
- D. Each employee is required to report any accidents or injuries—including any safety violations or near misses—and to promptly report any unsafe working condition, process or procedure to a supervisor. Failure to abide by the City's safety and accident rules may result in disciplinary action, up to and including termination. (CBA 5.6)
- E. The City shall provide workers' compensation insurance benefits to employees for job-related injuries or illness in accordance with applicable state law. This insurance provides for medical care and temporary disability, and benefits for permanent disability. The amount of benefits payable, as well as the duration of payments, depends upon the nature of an employee's injury or illness and applicable law. (CBA 5.6)
- F. Responsibilities of Employee:
 - i. If an employee is injured or become ill while performing his or her job duties—whether in the office or while performing job duties pursuant to a pre-approved remote work arrangement—the employee shall immediately report the injury or illness to his or her supervisor. This ensures that the City can help the employee obtain appropriate medical treatment and report the claim to the City's third-party workers' compensation insurance carrier who will determine coverage. (CBA 5.6)
 - ii. An employee's failure to follow this procedure by not immediately reporting a work-related illness or injury may delay the employee's benefits or may even jeopardize his or her receipt of benefits. Questions regarding workers' compensation insurance should be directed to the Human Resources Department. (CBA 5.6)
 - iii. Each employee should be aware that workers' compensation insurance does not cover the payment of workers' compensation benefits for any injury which

arises out of his or her voluntary participation in any off-duty recreational, social, or athletic activity which is not a part of his or her work-related duties. (CBA 5.6)

- iv. Filing a false or fraudulent workers' compensation claim is also a violation of the City's policy, and will result in disciplinary action, up to and including immediate termination. (CBA 5.6)
- v. If an employee must be off work due to a work-related injury or illness, the employee shall comply with all treatment regimens and cooperate with all pertinent City and third-party administrators/carriers in a good-faith effort to return to work. The employee may be required to provide a fitness for duty certification prior to returning to work. (CBA 5.6)

G. No Retaliation:

- i. The City prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting an accident, injury or near miss as well as for reporting any health and safety concerns, violations of this policy or for cooperating in safety-related investigations. The City will not discharge, discriminate or otherwise retaliate against employees for making any such reports. (CBA 5.6)
- H. If any employee has any questions regarding this policy, or if any employee has questions about health and safety that are not addressed in this policy, please contact the Human Resources Department. (CBA 5.6)
- I. On the Job Injury Compensation: Employees are covered by Workers' Compensation as provided by the law of the State of South Dakota. The City shall adopt a policy and procedures consistent with South Dakota statutes and regulations applicable to the Workers' Compensation. (CBA 5.7)
- J. Any employee who while following or acting within the scope of City policy is injured in the performance of his/her duties in a manner that causes disability preventing the employee from returning work shall receive the difference between the employee's regular pay and the Workers' Compensation payment ("supplemental benefits") for the period of disability not to exceed thirty (30) calendar days, and thereafter the corresponding number of hours will be charged against the employee's sick leave credit until the same is exhausted. (CBA 5.7)
- K. Extension of the supplemental benefits may occur if medical certification is obtained that shows the medical condition such that the employee cannot return to work. The City is under no obligation to continue its payment supplemental benefits beyond thirty (30) calendar days. Where applicable after exhausting sick leave and City supplemental benefits, an employee may use accumulated vacation leave, personal holiday time (used in 8-hour increments), or sick leave that is donated through the Catastrophic Illness Leave Donation policy to supplement Workers' Compensation benefits. (CBA 5.7)
- L. The employee shall not be entitled to any supplemental payment under this section in an amount that, when added to any workers' compensation benefit and/or any compensation received from the employer, result in the employee receiving total compensation greater than the average weekly wage for the applicable time period. (CBA 5.7)

- M. An employee that has been injured on the job shall be required to keep the Human Resources Department and his or her Supervisor or Department Head informed at all times regarding the status and healing progress of the injury and continue to provide up-to-date written work restrictions provided by the employee's treating health care provider(s), if any. The Department Head or Designee and Human Resources Director shall be responsible for monitoring and confirming work restrictions remain valid and their compliance is ensured. *(CBA 5.7)*
- N. All vacation, sick leave and holiday leave earned while on injury leave shall accrue at the employee's regular rate during the initial ninety (90) day period. Throughout the remainder of the leave, additional vacation, sick and holiday leave accrual shall be prorated relative to the sick, vacation and/or compensatory time being reported. *(CBA 5.8)*
- O. The City shall treat disabilities due to pregnancy the same as other temporary disabilities. *(CBA 5.9)*
- P. An employee that has been injured on the job shall be required to keep the Human Resources Department and his or her supervisor or Department Head informed at all times regarding the status and healing progress of the injury and continue to provide up-to-date written work restrictions provided by the employee's treating health care provider(s), if any. The Department Head and Human Resources Director shall be responsible for monitoring and confirming work restrictions remain valid and that they are complied with. *(CBA 5.10)*

607 Jury Duty (CBA Article 11.2)

- A. It is the civic obligation of each City employee to serve on a jury if he or she is called. An employee may not be discharged or suspended for serving on a jury. While on jury duty or while appearing as a legally required witness, an employee shall turn over to the City Finance Officer any payments received for such duty during scheduled work days, except payments received for mileage, meals or expenses for out-of-town jury duty and be paid in full for their normal work schedule. The employee may select to keep the payments received and use vacation or compensatory time for their normal scheduled workdays. *(CBA 11.2)*
- B. A timesheet note in the City's timekeeping software timesheet indicating the amount of time away from the scheduled work day is required for any time spent on jury duty. After approval by the Department Head, the note will remain on file in the City's timekeeping software timesheet. The Employee shall notify the Department of Human Resources for Jury Duty tracking. *(CBA 11.2)*
- C. An employee who is required to make a court appearance in an official capacity in connection with the City of Yankton or as an expert witness shall be deemed to be on duty and no charge will be made against leave. Any compensation received for the appearance shall be turned in to the Finance Officer. However, if an employee is involved in a personal case, either as a plaintiff or as a defendant, the employee may be granted leave but the time the employee takes off will be charged either to accrued vacation leave, compensatory time off, or leave of absence without pay.

- D. An employee who is entitled to vote in a public election shall be given two (2) hours of time off with pay to vote, unless he/she has two non-working hours in which to vote while the polls are open. The City may designate the particular hour of absence. Voting leave is paid leave. The City may not, because of an employee's absence to vote, penalize the employee or deduct from an employee's usual salary or wages.

608 Holidays (CBA Article 3)

- A. Full-time employees shall receive eight (8) hours pay for each of the holidays listed below on which they perform no work. (CBA 3.0)
- B. All regular part-time employees of the City shall receive holiday pay based upon a prorated basis equal to their standard equivalent workday. (CBA 3.0)
- C. The following holidays will be observed by the City: (CBA 3.0)
 - 1. New Year's Day – January 1
 - 2. Presidents' Day – 3rd Monday in February
 - 3. Memorial Day – Last Monday in May
 - 4. Independence Day – July 4
 - 5. Labor Day – 1st Monday in September
 - 6. Veterans' Day – November 11
 - 7. Thanksgiving – the 4th Thursday and Friday in November
 - 8. Christmas Eve (24th of December), unless Christmas Eve falls on a Friday, Saturday or Sunday;
 - 9. Christmas Day – December 25
 - 10. Three Personal 8-Hour Days (to be used at any time through the year pending their department head or the department head's designee's approval), and a fourth Personal 8-Hour Day in each year in which Christmas Eve falls on a Friday, Saturday, or Sunday. Personal days for new-hire employees will be pro-rated based on the date of hire as follows:
 - i. Date of Hire in 1st Quarter – Three 8-hour days (Four 8-hour days in years when there are four personal days accrued);
 - ii. Date of Hire in 2nd Quarter – Two 8-hour days (Three 8-hour days on years when there are four personal days accrued);
 - iii. Date of Hire in 3rd Quarter – One 8-hour day (Two 8-hour days on years when there are four personal days accrued); and
 - iv. Date of Hire in 4th Quarter – No personal day (One 8-hour day on years when there are four personal days accrued) (CBA 3.0)
- D. Whenever any of the holidays listed above fall on a Saturday, the preceding Friday shall be observed as the holiday. Whenever any of the holidays listed below fall on a Sunday, the succeeding Monday shall be observed as the holiday. (CBA 3.1)
- E. When an employee is required to work on a holiday, the City will pay regular employees time and one-half (1 ½) for the number of hours actually worked, plus the holiday pay. (CBA 3.2)

- F. "Shift workers" working a shift that begins on a holiday will receive time and one-half (1 ½) for the number of hours actually worked plus the eight hours holiday pay. (CBA 3.2)
- G. Holiday pay shall not be paid to an employee if such employee has not complied with a direction to work on the holiday in question. (CBA 3.5)
- H. An employee shall be eligible for pay for the holiday falling within a pay period for which the employee has received compensation provided, however, that the employee worked the day before and the day after the holiday unless otherwise excused or unless the time is credited to either accrued vacation leave, sick leave or worker's compensation leave. (CBA 3.3)
- I. If a holiday falls within the vacation period selected by the employee, the holiday hours shall not be considered as a part of the vacation period and the employee will not be paid vacation pay for such holiday hours. Instead, the employee will receive only holiday pay calculated at straight time. (CBA 3.4)
- J. The City Manager shall have discretion to grant all employees additional one-time paid holidays. (CBA 3.6)
- K. Personal days should be scheduled at least two weeks in advance and shall be taken in increments of no less than eight (8) hours. The City will attempt to grant personal day(s) for the date(s) requested by the employee unless, in the judgment of management, operational necessity requires staffing. The City reserves the right to limit the number of employees out on vacation/personal day leave at the same time. If the City determines it is necessary to limit the number of employees on vacation/personal day leave at the same time, the first submitted request shall prevail. In the event of any conflict over simultaneous requests for personal day/vacation periods, the employee with the greater seniority shall be given first choice. Personal days may only be used in full-shift or half-shift increments. (CBA 3.7)

609 Leaves of Absence Without Pay (CBA Article 11)

- A. A leave of absence without pay may be requested by following the rules below. No sick or vacation leave shall accrue during a leave of absence without pay. (CBA 11.0)
- B. An employee shall be eligible for leave of absence without pay only at the discretion of their Department Head. Prior to taking leave of absence without pay, all sick and vacation leave shall be exhausted. (CBA 11.0)
- C. An employee shall accrue seniority and benefits while on leave of absence. An employee may be responsible for paying for his or her benefits at a rate proportional to the number of hours actually worked during the leave of absence. The employee shall be returned to the position he or she held at the time the leave of absence was granted when he or she returns from the approved leave of absence. (CBA 11.1)
- D. Duration: Sick leave without pay may not exceed forty-five (45) days unless approved by the City Manager. During the forty-five (45) calendar days, the City will continue to pay its portion of the employee's health and life insurance policies at the same rate as prior to the employee's request for sick leave without pay. At the end of the forty-five (45) day period, the City will have the option to terminate the employee's employment with the City and cease making any contribution to the health and life insurance policies of the employee. If

applicable, leave accommodation requests under the Americans with Disabilities Act and protected leave under the Family and Medical Leave Act shall take precedence over any conflicting provisions of this section.

- E. Educational Leave Eligibility: Educational leave of absence without pay may be granted to an employee not to exceed twelve (12) months. Course work shall be related to the employee's career field. The leave must be recommended by the Department Head and approved by the City Manager. If, upon investigation of responsible authorities, it is found that educational leave will be beneficial to the City as well as to the employee, and it is practical to allow the employee's position to remain vacant or to be filled by a temporary employee, educational leave without pay may be granted.
- F. Requesting Educational Leave Without Pay: Requests shall be submitted in writing to the Department Head two (2) months in advance of the starting leave date stating the reasons for the requested leave, the date the leave will begin and the probable date of return.
- G. Other Leave Without Pay Duration and Benefits: A Department Head or the City Manager may grant leaves of absence without pay up to forty-five (45) calendar days. During the forty-five (45) days the City will continue to pay its portion of the employee's life and health insurance. The City Manager may at his or her discretion extend the leave of absence without pay beyond forty-five (45) days.
- H. Eligibility: Any leave of absence without pay shall not be permitted until all vacation leave and compensatory time has been exhausted.
- I. Request: Any request for leave of absence for personal reasons shall be submitted in writing to the Department Head two (2) weeks prior to the starting leave date stating reasons for the request, the date the leave shall begin, and the probably date of return.
- J. An exception to the notice period may be made under special circumstances.

610 Military Leave (CBA Article 11)

- A. Active Duty: An employee of the City who is called to active duty with the Armed Forces of the United States will be granted a leave of absence and shall be re-employed in the department in which he was employed at the time of his or her departure, upon condition the employee is physically and mentally suited to perform the required duties. Employees whose military service is less than thirty-one (31) days must report for re-employment at the beginning of their first regularly scheduled workday that would fall eight (8) hours after he or she returns home. If the period of service is thirty-one (31) to one hundred eighty (180) days, the employee must submit an application for re-employment no later than fourteen (14) days following the completion of service. If the period of military service is greater than one hundred eighty (180) days, the employee must submit an application for re-employment not later than ninety (90) days after the completion of service. If the submission of a timely application in any of these situations is impossible or unreasonable through no fault of the employee, the application must be submitted as soon as possible. Failure to report or submit a written application within the specified periods above will be

considered to be a voluntary resignation. Vacation and sick leave shall not accrue during the term of absence. (CBA 11.3B)

- B. Reserve Duty: Any employee who is a duly qualified member of any Reserve Component of the United States Armed Forces shall be entitled to receive a leave of absence from City work for a period not to exceed ten (10) work days in any one military fiscal year. At the conclusion of such service, the employee shall be entitled to return to city employment without loss of status, pay, or seniority, provided the employee is still able to perform the employee's job duties. The employee shall give the Department Head at least thirty (30) work days notice of the need for Military Training Leave prior to the time of the leave. The employee must return to the city position immediately upon being relieved from such military service and not later than the time herein limited for such unless prevented from so returning by physical or mental disability or other such cause not due to the employee's own fault, or unless the employee is required by the proper authority to continue in such military service beyond the time herein limited for military training leave. An employee may be eligible to receive the difference between their military pay received and their authorized salary, provided that the military pay is less than the authorized City salary. This difference may not be paid to exceed ten (10) regular working days in any one (1) calendar year. The difference of pay between military pay and authorized City salary shall be reduced by one day's pay for each vacation day earned in excess of ten (10) vacation days per year by the employee. In order to receive compensation, the employee must file a statement of earnings from the military with the Human Resources Department. The period of military service will be counted as full service with the City for the purpose of accruing leave. (CBA 11.3A)
- C. For employees whose military service is thirty-one (31) days or more health, vision, dental and life benefits will stop at the end of the month they last worked. The employee may privately/personally pay for the continuation of such benefits during the period of leave. The benefits will resume on the employee's first day of return as a full-time employee. In order to receive compensation, the employee must file a statement of earnings from the military with the Human Resources Department. (CBA 11.3C)
- D. Drills: Employees shall be permitted to attend required monthly military weekend drills. Said employees shall be responsible for notifying their supervisor in advance of the scheduled drill so as to allow proper time to adjust City work schedules to provide adequate manpower for required City functions. The advanced notification by the employee may be given in writing to the Supervisor.
- E. Active Duty Request: The Department Head shall approve a military leave of absence upon the request of an employee. The employee must present a copy of active duty orders to the Department Head as soon as possible after receipt of such orders.
- F. Short Tour Request: The employee shall present copies of orders, specifying inclusive dates of the short tour, as soon as possible after notification to said employee's Department Head who shall then approve the military leave.
- G. Military leave reinstatement procedures are as follows:

- a. Limitation - the employee must apply for reinstatement within ninety (90) days after release from extended military service or within 90 days after hospitalization.
 - b. Proof of Discharge - the employee must present a copy of said employee's release for discharge from active military duty or a notarized copy thereof as proof to be eligible for reinstatement.
 - c. Physical Examination - the employee may be requested to have a physical examination prior to reinstatement to ensure the employee is capable performing all the essential functions of the job.
 - d. Honorable Discharge - the employee must be released or discharged under honorable conditions to be eligible for reinstatement.
- H. Position: An employee who entered the Armed Forces of the United States shall be reinstated to said employee's former position or to a comparable position and, if such position is not available, then to a position of like seniority, status and pay. Such right shall be subject to three limitations:
- a. Mental or Physical Disqualification. Reinstatement of employee cannot be required in position, which said employee is mentally or physically unqualified to fill.
 - b. Abolished Positions. If a position formerly held by an employee applying for reinstatement has been abolished, said employee shall be offered the opportunity of reinstatement in a position of like status and pay.
 - c. Lack of Seniority. Reinstatement of such employee must not make it necessary to lay off an employee of greater seniority.
- I. Seniority: When there are more applications for reinstatement than there are positions available, the position shall be filled according to seniority. Seniority shall accrue to the first person called to report to duty or perform duty of the armed forces, and thereafter to any similar employee next nearest to first person's employment in point of time if such first person shall not within the period set out to apply for reinstatement.
- J. Duties: Reinstated employees must actually perform the duties characteristic of their class, as do other employees.
- K. Other Classes: If there is no appropriate vacancy in the class of positions left by the former employee when said employee entered the Armed Forces, said employee may be placed in the appropriate vacancy in any other classes specified by said employee and deemed proper by the City Manager.
- L. Declining of Position Offered: If a former employee declined a proper reinstatement for a comparable position, said employee forfeits all reinstatement rights, except that said employee may request to be placed on the re-employment eligibility list.
- M. Employee on Probation: An employee who entered the Armed Forces while serving during said employee's probationary period on a regular appointment shall have said employee's name placed on the re-employment list according to seniority. However, employees must apply for reinstatement in accordance with the prescribed procedure.
- N. Benefits for reinstated employees will be based upon the following policies.
- a. Classification. The employee will be reinstated to a position in the current classification plan.

- b. Entrance Examinations. No new entrance test shall be required before reinstatement.
- c. Seniority. A reinstated employee shall be entitled to full reinstatement of seniority, including time served in the Armed Forces, following the date of reinstatement to the job. However, this policy shall not be construed as allowing sick leave, vacation leave, or retirement benefits to accrue for the time served in the Armed Forces.
- d. Sick Leave. Sick leave accrued prior to active duty shall be retained while the employee serves on active duty.
- e. Salary Adjustment. If a former employee who entered the Armed Services of the United States is reinstated or re-employed in the same position said employee held prior to entry in the Armed Forces, or in some other position of the same class, said employee's salary will be adjusted to the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or employment.

611 Voluntary Transfer of Vacation Time Policy

- A. The voluntary transfer of vacation leave to other employees may take place in order to help those employees who have exhausted their leave accruals and are unable to work because of either extended personal illness or family crisis which requires a Leave of Absence.
- B. The guidelines for transfer are:
 - 1. Each employee will need to submit a Request for Vacation Donation to Human Resources. The request will be reviewed on a case-by-case basis and approved by the City Manager.
 - 2. A donor may authorize the transfer of up to 24 hours of vacation leave. A donor may transfer no more than 24 hours in a twelve-month period.
 - 3. The vacation leave balance of the employee donating hours may not drop below 40 hours due to the transfer.
 - 4. A vacation donation form, available in the Human Resources Office, must be completed. The donor's names and donations will be kept confidential; however, individual donors may personally inform the recipient of their transfer if they so desire.
 - 5. Transfers will only be permitted for a specified individual and during a specified time period to be announced by memorandum upon administrative approval. Donations will be taken in the order they are received and, in the event that all hours are not needed, the remainder will return to the donor's credit. Leave shall be transferred in order to grant full pay to the extent the donations allow. Partial pay shall not be allowed in order to extend the leave time.
 - 6. All vacation leave, sick leave (where allowed), and/or compensatory time must be exhausted before granting administrative leave of absence.
 - 7. If the recipient is on leave of absence status, he/she will not accrue sick or vacation and will not be eligible for holiday pay. He/she will be responsible for his/her share of their health and life insurance premiums. If he/she defaults due to insufficient pay for payroll deduction and no direct payment to the City, his/her health and life insurance shall not be continued except where applicable.

8. The hours donated shall be transferred on an hour for hour basis. The recipient will be paid at his/her normal hourly rate and will not be obligated to repay the leave donated.
9. Recipients receiving workers compensation benefits shall not be eligible for administrative leave of absence.
10. Administrative leave of absence may be authorized in conjunction with Family and Medical Leave.

612 Volunteers – City Disaster

- A. A City employee who is a member of an established volunteer organization (i.e. Red Cross) and who is called out to duty in the event of a disaster may be granted a leave of absence with pay.
- B. The leave of absence may be granted for a period not to exceed the designated number of days established by the City Manager. The request shall be submitted in writing to the Department Head as soon as possible stating reasons for the request, the date/time the leave shall begin and the probable return date.

700 DISCIPLINARY AND GRIEVANCE PROCEDURES (CBA ARTICLES 19 AND 20)

701 Disciplinary Procedures

- A. The City's disciplinary and grievance procedures explain the normal corrective and disciplinary process that may be used and identifies a way for employees to grieve certain decisions made.
- B. The City reserves the right to discipline any employee for performance, conduct, business or other job-related reasons, but not for any factors related to age, race, color, religion, gender, national origin, disability status, genetic information and testing, family and medical leave, pregnancy and childbirth or related medical conditions, sexual orientation, gender identity or express, protected veteran status or any other characteristics protected by law. The City Commission has the authority to discipline the City Manager and Finance Officer.
- C. The City Manager has the authority to discipline all Department Heads and employees, with the exception of the Finance Officer. Department Heads, with the approval of the City Manager, have the authority to discipline employees within their department.
- D. Disciplinary actions shall be applied when the proper authority determines such actions are necessary.
- E. The previous failure of the City to address infractions does not prevent the administration of disciplinary action should just cause exist. Management shall make reasonable efforts to address infractions or offenses as soon as reasonably possible after the discovery of such infractions or offenses. Management shall be required to provide a rational basis for any delay longer than thirty (30) days following Management's discovery of the infraction or offense. (CBA 20.0)

702 Forms of Discipline

- A. If just cause is determined, a disciplinary action may be in the form of a written reprimand, suspension, denial or delay of step increase, probation, or dismissal as defined below. The City may, but is not required to, apply these actions progressively. Depending on the frequency and severity of the violation, the City Manager shall have the right to skip or repeat certain steps in the progression of the disciplinary action.
- B. Infraction, violation of, or noncompliance with any provision, requirement, policy or regulation set forth in this manual or as later amended, may be cause for any of the forms of discipline.
- C. Infraction, violation of, or noncompliance with any provision, requirement, policy or regulation of the employee's department may be cause for any of the forms of discipline.
- D. Any disciplinary action may be the subject of the grievance procedure as set forth in 713 of this manual.

703 Written Reprimand

- A. Supervisors and/or Department Heads and the City Manager may reprimand employees for violation of municipal or department rules. Reprimands shall be made in a civil, constructive, businesslike manner. Note of the reprimand will be added to the employee's personnel file. When placed in the employee's file, a copy of the reprimand shall be provided to the employee and the representative by the Department Head. Department Heads are subject to the same action by the City Manager.
- B. Written reprimands for violation of municipal or department rules shall be forwarded to the City Manager to be made a part of the employee's personnel file. A copy will be provided to Human Resources and a copy to the Union, if applicable.
- C. Supervisors and/or Department Heads utilizing a reprimand as a disciplinary tool shall endeavor to do so with reason and with an attitude of not only admonishing or warning the employee, but also to lead, guide, direct and instruct the employee in how to correct and avoid repeating the behavior.
- D. The employee may submit a written statement of response which shall be attached to the reprimand in the personnel file.

704 Suspension (CBA 20.1(3))

- A. When circumstances warrant, a Department Head or the City Manager may initiate the immediate suspension of an employee. If issued by a Department Head, a written notification will be sent to the City Manager for his/her concurrence.
- B. A written report on all such suspensions shall be promptly forwarded to the City Manager by the Department Head to be filed in the employee's personnel file.
- C. An employee who is suspended shall be advised of the action in writing stating the reason and the duration of suspension within twenty-four (24) hours after the suspension is made effective.

- D. Suspension may be with or without pay. Suspension without pay may not exceed three hundred twenty (320) work hours in a twelve (12) month period and no single suspension will be more than eighty (80) working hours.
- E. A copy of the written notification, which will include reasons for and the duration of the suspension, will be placed in the employee's file. A copy of the written notification shall be given to the Union President or the President's designee.
- F. Department Heads are subject to the same action by the City Manager.

705 Denial or Delay of Step Increase

- A. The City Manager may, in writing delay a step increase for an indefinite period of time or deny a step increase when in his/her opinion it is not warranted. A report on the reason for delay or denial of a step increase shall be filed in the employee's personnel file.

706 Probation

- A. An employee who has successfully completed their probationary period for the position held may be placed on Administrative Probation when general work performance shows a deterioration.
- B. The maximum amount of time the employee will spend on Administrative Probation will be six (6) months.
- C. The number of times that an employee can be placed on Administrative Probation will not be limited during their employment. During Administrative Probation, the employee may, with the approval of the City Manager, be terminated from employment with the City.
- D. The City shall provide written notice of such action to the employee and the representative.

707 Dismissal

- A. The City shall not dismiss an employee without just cause.
- B. Any employee may be dismissed with notice by the City Manager or by the Department Head with written approval of the City Manager. Such action shall be taken only when other forms of disciplinary action or penalties are deemed to be inappropriate by the City Manager or have proven unwarranted or ineffective in dealing with the particular employee.
- C. Unless exercised by the City Manager, this form of disciplinary action shall be exercised by written recommendation of the Department Head and approval of the City Manager. Each employee having completed a six (6) month probationary period shall be entitled to a hearing before the City Manager and shall be notified of the schedule for the hearing, as outlined in Section 803.
- D. A dismissed employee shall be suspended with pay for a period of three (3) working days. The employee shall have the right to receive a written statement of the reasons for dismissal which shall be provided to the employee at the time of the dismissal. A copy of the statement will be placed in the employee's personnel file and a copy to the representative.

708 Grounds for Disciplinary Action

- A. This section contains examples of both expected behavior and grounds which warrant disciplinary action for any employee in the service of the City of Yankton. However, disciplinary action may be taken for reasons other than those herein outlined.
1. Appearance: All municipal personnel are encouraged to maintain a clean and well-groomed appearance in keeping with their job and conducive to good public relations. They shall comply with the policy and requirements of the respective department including, but not limited to, wearing apparel, personal appearance, hygiene, and safety. Refusal or failure to comply with departmental policies may result in disciplinary action.
 2. Behavior: Employees shall maintain a constructive, businesslike attitude which strives to promote harmony among coworkers and respect for positions of authority at all times. Employees who are unable or unwilling to get along with superiors, coworkers or the public, or who persist in exhibiting a negative or uncooperative attitude toward the job may be subject to disciplinary action.
 3. Conduct: Employees shall conduct themselves in a manner appropriate to their position as public servants and not reflect discredit upon the City.
 - i. All municipal employees and volunteer staff are expected to maintain high standards of conduct and cooperation in their relationships with their fellow employees, Department Heads, City officials and the general public.
 - ii. In accepting a position with the City of Yankton an employee also accepts a position of trust and responsibility. Employees shall not be permitted to engage in off-duty conduct that detracts from the public's confidence in the City or in the employee's ability to perform his or her job-related duties well. Any information to which employees may have access because of their position with the City and which may be detrimental to the City shall be kept in strictest confidence.
- B. No equipment, material or supplies, being the property of the City of Yankton, shall be removed from its location or used without proper authority. The Supervisor, Department Head or City Manager shall be the only persons with jurisdiction and authority to grant such permission. Vehicles and other equipment assigned to individual personnel shall be utilized for City work or business unless otherwise authorized by the City Manager.
- C. The use of City property for any personal use, whatsoever, is prohibited.
- D. Equipment or Property: Any employee who causes damage to or is negligent in the care or operation of City owned equipment or property may be subject to disciplinary action.
- E. Insubordination: All employees are expected to carry out any lawful, just and legitimate instruction or order of their superiors including compliance with these personnel rules and policies. Failure to do so may result in disciplinary action up to and including dismissal.
- F. Job Performance: As job performance is the basis for reaching all goals, completing all projects and maintaining the standards expected by the public, all employees will strive for the highest level of performance in their position. The types of behavior listed below and other inappropriate behaviors not listed below may result in disciplinary action.
1. Tardy: Unexcused tardiness or absenteeism.

2. Procrastination: Has deliberately or negligently delayed, prolonged, slowed down or procrastinated in the performance of their own duties.
3. Influence Others: Has influenced or attempted to influence any employee to delay, undermine, slow down, procrastinate or in any way failed to properly carry out their duties.
4. Theft of property or removal of records from City files.
5. Other: Is unreliable, neglectful, unfit, incompetent, unwilling or incapable of fulfilling or carrying out their assigned duties and responsibilities.

709 Voluntary Separations and Grievances

- A. Except when protected activity is being grieved, employees who voluntarily terminate their employment will have any outstanding or unresolved grievances immediately dismissed.

710 Non-Grievable Actions

- A. Written reprimands, suspensions, and termination of employees during their employee probationary period may not be grieved except on the basis of a prohibited form of discrimination.

711 Signing Requirements

- A. In all cases of disciplinary action, the employee will be required to sign the written documentation of discipline and such documentation shall be dated and placed in the employee's personnel file. If the employee refuses to sign the documentation, a notation to that effect shall be made by the decision-making authority with another City employee or official as a witness.
- B. The employee may submit a written statement of response to the disciplinary action which shall be attached to and remain with the disciplinary action in his/her personnel file.
- C. In all instances in this policy, where an employee is required to sign, signing does not imply agreement with the action, only that the contents have been made known to or discussed with the employee on that date.

712 Grievance Procedure (CBA Article 19)

- A. Definitions:
 1. Grievance: A complaint by an employee, or a group of employees, based on an alleged violation, misinterpretation or inequitable application of any existing agreement, contract, ordinance, resolution, policy, rule, regulation or law.
 2. Employee: An employee of the City may include an individual or group of employees who are similarly affected by a grievance.
 3. Days: All days referred to shall be calendar days. (CBA 19.0)
- B. Any grievance or dispute which may arise between the parties including the application, meaning or interpretation of this agreement, contract, ordinance, resolution, policy, rules, regulations and laws, may be processed during working hours without loss of pay upon notification and permission from their Supervisor and shall be settled as

hereinafter set forth. An employee may bring a grievance claim during working hours without loss of pay pursuant to the following procedure:

1. Step One: The employee, and/or his representative, who feels that he has a dispute or grievance shall discuss the matter with the supervisor within fifteen (15) business days of the event leading to the dispute or grievance, or the employee's knowledge of its occurrence. The Supervisor shall attempt to resolve the matter and give the employee an answer within three (3) days. *(CBA 19.1A)*
 2. Step Two: If the matter is not resolved at Step One, the representative or designee, with or without the employee, shall present the grievance or dispute in writing to the Department Head within fourteen (14) days of the event leading to the dispute or grievance. The Department Head shall attempt to adjust the matter and shall respond, in writing, to the Union representative and the employee within ten (10) working days. *(CBA 19.1B)*
 3. Step Three: If the matter is not resolved in Step Two, it shall be presented to the City Manager within ten (10) working days from the date of the written response of the Department Head. The City Manager shall hold a hearing to investigate and resolve the matter within ten (10) working days of receipt of the grievance. The City manager shall respond in writing, to the Union and the employee within ten (10) working days of the hearing. *(CBA 19.1C)*
 4. Step Four: If the matter is still unsettled, either party may, within thirty (30) days after the reply of the City Manager, submit the matter to the South Dakota Department of Labor, Division of Labor and Management for resolution. *(CBA 19.1D)*
- C. Either party may appeal the decision of the Department of Labor as prescribed by law. *(CBA 19.1E)*
- D. An employee who has been dismissed or suspended may submit a grievance starting at Step Three of the grievance procedure. *(CBA 19.1F)*
- E. A copy of all grievances shall be submitted to the Human Resources Director. *(CBA 19.2)*
- F. In the event the employee filing the grievance, or alleging and asserting that a dispute exists, or in the event that the Union files a grievance or alleges a dispute, fails to comply with any time limitation herein such failure shall constitute a withdrawal of the grievance or claimed dispute. The failure of the City to comply with any time limitation shall constitute a settlement of the grievance in accordance with the requested remedy. Time limitations may be extended by mutual agreement of the parties in writing. *(CBA 19.3)*
- G. In reducing the grievance to writing, the following must be stated with reasonable clarity:
1. The nature of the grievance.
 2. The date or approximate date of the alleged grievance.
 3. The provisions of the agreement or the rule or regulation that is alleged to have been violated.
 4. The remedy which is sought. *(CBA 19.4)*
 5. The date of grievance submitted.
- H. No employees or group of employees shall be reprimanded, disciplined, or discriminated against for exercising their rights. *(CBA 19.5)*

800 SEPARATIONS

801 Types of Separation

All separations from the classified City service shall be designated as one of the following types and shall be accomplished in the manner indicated:

- A. Dismissal. At any time during an probationary period a Department Head, with the approval of the City Manager, may separate any employee whose performance does not meet with required standards. Further, an employee under an probationary period is not entitled to a hearing related to the termination.
- B. Resignation. An employee who desires leaving the City's classified service, shall file with the immediate Department Head at least two (2) weeks before leaving the service, a written resignation stating the effective date and the reasons for leaving. The Department Head may permit a shorter period of notice because of extenuating circumstances.
- C. Reorganization, reclassification and reduction in force.
- D. Management possesses the sole right to operate the City and to carry out its statutory mandates (CBA 6.0)

802 Exit Interview

- A. It is a policy of the City of Yankton for the Department Head/Supervisor to conduct an exit interview prior to the employee's voluntary separation from employment. The exit interview is conducted for several purposes, including:
 - 1. To resolve all outstanding matters between the City and the employee;
 - 2. To advise the employee of the affect their separation will have upon all benefits and what benefits they have coming upon separation; and
 - 3. To aid the City in gathering information to help improve the City's working environment and other employment relationships.
 - 4. To pinpoint opportunities for employee development.
- B. Each employee is encouraged to complete an exit Interview and meet with or forward it to their Department Head who will forward the form to the Human Resource department for review.

803 Dismissal (CBA 20.1-4)

- A. Dismissal shall be handled as a disciplinary action as provided in Section 700.
- B. The City shall not be permitted to dismiss an employee without just cause unless the employee is in his/her in-training period. A dismissed employee shall be suspended with pay for a period of three (3) working days. The employee shall have the right to receive a written statement of the reasons for dismissal which shall be provided to the employee at the time of the dismissal. A copy of the statement will be placed in the employee's personnel file.

804 Layoff (CBA Article 18)

- A. Seniority shall mean an employee's length of continuous service with the City since their last date of hire. Seniority shall be a consideration in all conditions of employment.
- B. In the event the City determines that it is necessary to decrease the workforce, they shall notify the affected employees and the Union thirty (30) days prior to the intended action. Seasonal, part-time and probationary employees shall be laid off first. Regular employees shall be laid off in reverse order of their seniority provided the remaining employees can do the available work.
- C. Employees laid off shall be returned to work according to their seniority provided they can perform the available work.
- D. No new employees shall be hired in the department until all the employees on layoff status who have the ability to perform the work and after a trial period of thirty (30) calendar days have returned to work.
- E. When a job opening is posted, present City employees who apply and other applicants will be considered. All City employees who apply for an open position will be guaranteed to receive an interview for the position.
- F. The employer shall keep the seniority list up to date at all times and will post an up-to-date seniority list on the bulletin board. A copy of the seniority list shall be furnished to the Union when it is posted.
- G. Full seniority rights shall be maintained until one of the following events occurs at which point the person will lose employee status:
 - 1. Voluntary quit.
 - 2. Discharge for just cause.
 - 3. Retirement.
 - 4. If an employee has been out of active employment for the City, for any reason, except military leave for a period of twelve (12) months.
 - 5. An employee on lay-off fails to reply to an offer of reinstatement within five (5) business days after receipt of a recall notice by certified mail or by a person-to-person request from a management representative subsequent to a lay-off or reduction in force, or to return to work within fifteen (15) business days after receipt of such notice. The City Manager may, but is not required to, extend the period if, in his/her sole judgment, sufficient extenuating circumstances are presented.

805 Death

- A. Separation shall be effective as the date of death. All compensation in accordance with City policies shall be paid to the estate of the employee.

806 Retirement Age

- A. There is no mandatory retirement age for municipal employees. However, all employees must continue to perform all the essential functions of their job.

807 Conditions of Separation

- A. An employee’s final paycheck may be withheld until any City property is returned in working order.
- B. Separation Pay: Employees who leave the City service shall receive payment for all earned salary, accrued vacation and accrued compensatory time. They shall also receive any shift pay accrual, and sick leave pay-out which may be due them. However, all such payments shall be subject to deduction for any indebtedness pursuant to 807A. These payments will be received in the final payment issued on the normal payment date for the last pay period worked. (Note: SDCL 6-11-10 provides that final payment shall be within five days of termination if the employee is terminated.)

900 DRUG-FREE WORKPLACE

901 City’s Commitment to Drug and Alcohol-Free Workplace

- A. The City has a strong commitment to its employees to provide a safe, healthy and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective, the City will act to eliminate any substance abuse which could impair an employee’s ability to safely and effectively perform a job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the City’s work force.
- B. The City’s goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of the City by preventing unacceptable behavior by its employees that discredits the City and its employees.
- C. While the City has no intention of unreasonably intruding into the private lives of its employees, the City does expect employees 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. It is clear that employee off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City’s goals.
- D. Any restriction upon any employee under these policies shall also apply to a volunteer serving the City during any period the volunteer is upon City property or providing service for the City, excepting the City’s volunteer firefighters who shall be subject to the drug and alcohol policy adopted by the Yankton Volunteer Fire Department.

902 Drug and Alcohol Abuse

- A. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances or the use of alcohol while on duty, on or off property owned or leased by the City is proper cause for disciplinary action.
- B. Any illegal controlled drug or substance possessed or ingested while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance while acting in the line of duty.

- C. It is not permitted for an employee to be under the influence of over-the-counter, controlled, or prescription drugs or substances or alcohol on the job, except that the legal use of controlled or prescription drugs or substances prescribed by a licensed physician is not prohibited (excepting marijuana or any substance containing a THC Metabolite, which is always prohibited on the job), but employees in positions where side effects of the prescribed medication or substance could adversely affect safety on the job are required to make such use known to their Department Head.
- D. The illegal use, sale, and possession of controlled substances or prescription drugs while off duty and off municipal premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related criminal convictions are also unacceptable. They may affect the job performance and the confidence of the public in the City's ability to meet its responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.
- E. It is not permitted for an employee to intentionally ingest, inhale, or otherwise take into the body any substance other than alcoholic beverages for the purpose of being intoxicated, unless such substance is prescribed by a licensed physician (excepting marijuana or any substance containing a THC Metabolite, which is always prohibited on the job).

903 Testing for Drugs or Alcohol

A. Discretionary Substance Testing:

The City may require drug and alcohol testing in the following instances:

1. Pre-Employment – as a condition of hiring.
2. Random – periodically throughout employment.
3. Post-Accident or Injury – following a workplace accident or injury that causes personal injury or property damage.
4. Reasonable Suspicion – when cause exists to believe someone has violated this drug-free policy or is under the influence of drugs or alcohol during working hours.
5. When Prescribed by Law – such as Department of Transportation (DOT) requirements for individuals with a Commercial Driver's License (CDL).

B. Mandatory Substance Testing:

Any employee whose order, action or failure to act is determined to be, or cannot be ruled out as, a causative factor in the events leading up to or causing an incident or accident shall be tested for alcohol and drugs when the following incidents occur on duty unless a supervisor, Department Head, or the City Manager determines that the employee's actions were not a causative or contributing factor:

1. An employee shoots a person.
2. An employee accidentally discharges a firearm.
3. An employee is involved in an incident in which a human fatality occurs.
4. An employee whose performance could have contributed to an incident or accident in which a person is injured and requires immediate treatment away from the scene of the incident or accident, or a motor vehicle or equipment is damaged to the extent that it

must be towed from the scene or is rendered inoperable and requires more than simple repairs. Such damage does not include tire disablement without other damage.

- C. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - 1. Abnormal or erratic behavior that is so unusual that it warrants summoning an immediate supervisor, Department Head or other individual for assistance.
 - 2. Information provided by a reliable and credible source with personal knowledge.
 - 3. Direct observation of drug or alcohol use.
 - 4. 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).
 - 5. Possession of substances in violation of the City's drug and alcohol policy.
- D. The employee, when testing is required, may be asked to submit to urine and/or breath alcohol testing by qualified medical personnel at the City's expense. Prior to testing, the proper authority shall secure a signed release from the employee to have the clinic/medical provider release medical information to the City.
- E. An employee who refuses to consent to a required drug and/or alcohol test, or who refuses to sign an authorization releasing test results to the City, will be subject to disciplinary action, up to and including termination. A positive result from a drug and/or alcohol test will result in disciplinary action up to and including termination.
- F. When testing is required because of reasonable suspicion the proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the City Manager and placed in the employees personnel file only if confirmed by the drug and/or alcohol test.
- G. Drug and/or alcohol test results are confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

904 Drugs Selected for Testing

- A. Drug and/or alcohol testing will be performed by a clinic/medical provider selected by the City.
- B. Drugs selected for testing will be drugs or drug groups that are classified as "controlled substances under state or Federal law, and which adversely affect physical and/or mental performance. Drug testing may include, but is not limited to, testing for the controlled substance listed here:
 - 1. Alcohol, ethyl.
 - 2. Amphetamines/Methamphetamines (i.e. speed).
 - 3. Cocaine, Cocaine Metabolites.
 - 4. Opiates (i.e. to include but not limited to Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone).
 - 5. Phencyclidine (PCP).

6. THC (Marijuana) Metabolite.

- C. A drug test reflecting the presence of a drug lawfully prescribed to the employee at levels within acceptable limits relative to the prescription (or the presence of THC Metabolite when the employee holds an unexpired medical marijuana card issued by the State of South Dakota) shall be treated as a negative test result as to such drug.

905 Employee Responsibilities

- A. An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on-duty or off-duty alcohol or drug 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.
- B. An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty (such as when scheduled to be on-call), on breaks, or during meal periods, except that use of or intoxication by Marijuana or any other product containing THC metabolite (regardless of prescription or status as a medical marijuana cardholder) shall be unequivocally prohibited during work hours or while subject to duty.
- C. An employee must notify his/her immediate supervisor before beginning work when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of municipal equipment.
- D. An employee must notify his/her immediate supervisor of any drug or alcohol related criminal conviction for a violation occurring in the workplace or off-duty no later than five (5) days after such conviction.
- E. Any violations of the above stated policies may result in immediate disciplinary action, up to and including termination.
- F. Reporting Drug and Alcohol Use: The employee should immediately notify his/her immediate supervisor if an employee has knowledge that another employee, while on duty, is under the influence of alcohol or a controlled substance or is in possession of or is using a controlled substance on duty or at City facilities or work sites (unless such possession is in the scope of a law enforcement or other lawful duty).
- G. No Work After Violation of Substance Abuse Policy:

An employee shall not be on duty or report for duty after:

1. A reasonable suspicion test for drugs unless or until a negative test result is received without reasonable suspicion that the employee is under the influence as defined by these policies; or
2. A reasonable suspicion test for alcohol, unless the test was negative; or
3. Receiving any positive test for alcohol or drugs (except a positive test for a medication prescribed by a physician without an accompanying reasonable suspicion of being under the influence as defined by these policies); or
4. Any other prohibited conduct until a negative result is received, and/or the employee's division manager has approved his/her return to duty, after consult with the Human Resources Director, City Manager, or City Manager's Designee.

906 Management Responsibilities and Guidelines

- A. Immediate supervisors and Department Heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
- B. Immediate supervisors and Department Heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City.
- C. Any immediate supervisor or Department Head encountering an employee who refuses to consent to a required drug and/or alcohol test shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the Department Head or immediate supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.
- D. Nothing in this policy shall be interpreted as waiving or limiting the City's responsibility to maintain discipline, the City's right to invoke disciplinary measures, or the employee's right to follow the grievance procedure set forth in Section 700.
- E. Each employee will be given a copy of the City's policy on Drug and Alcohol Substance Abuse, which is included in the City's Personnel Manual. The employee will sign a receipt of a copy of the Personnel Manual, which will be placed in the employee's personnel file.
- F. The City will follow applicable state and/or federal regulations associated with employees in positions requiring possession of a commercial driver's license (CDL).
- H. Training Requirements Regarding Substance Policy:
Supervisors of employees holding CDLs, shall have at least one (1) hour of training on alcohol abuse and an additional one (1) hour of training on controlled substance use annually based on DOT regulations. Training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. CDL holders will receive annual education on alcohol and controlled substance abuse.

All other City employees, including supervisors, are encouraged to attend training on alcohol and substance abuse.

1000 WORKPLACE VIOLENCE POLICY AND GENERAL PROCEDURES

1001 Policy Statement

- A. The City of Yankton maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the City.
- B. It is the intent of the City, (each department) to provide a workplace which is free from intimidation, threats, or violent acts. Each department has procedures specific to the work unit(s) for dealing with incidents of violence, and exercise reasonable efforts to conduct

training for unit employees in the department procedures related to dealing with workplace violence.

1002 Definitions

- A. Workplace violence includes, but is not limited to, verbal abuse, harassment, threats, physical attack, or property damage.
- B. A threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional, or future.
- C. Physical attack is unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects.
- D. Property damage is intentional damage to property, which includes property owned by the City, employees, or others.

1003 Reporting Threats – Internal and External

- A. Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, should be reported to the Department Head.
- B. The Department Head will assess and investigate the incident and determine the appropriate action to be taken.
- C. The Department Head will inform the Human Resources Department of all reported incidents of workplace violence.
- D. In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire, and/or Ambulance personnel must be immediately notified.
- E. As necessitated by the seriousness of the incident, the Human Resources Department may assemble a Threat Management Team in consultation with the City Manager.
- F. The Threat Management Team is responsible for establishing the protocol in the event of a threat or violent incident that may include, but is not limited to:
 - 1. Evaluating potential violence problems.
 - 2. Assessing an employee’s fitness for duty.
 - 3. Selecting intervention techniques.
 - 4. Establishing a plan for the protection of co-workers, and other potential targets.
 - 5. Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel.
- G. Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence should be reported to the appropriate management staff and proper action will be taken.

1004 Prohibited Actions and Sanctions

- A. It is a violation of this policy to engage in any act of workplace violence.

- B. Any employee who has been determined to be in violation will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal prosecution.

1005 Department Security Audit and Training

- A. On an annual basis or whenever the physical layout of the workspace is significantly altered, the Department Head will examine the escape routes of the work area and communicate any changes to the department employees.
- B. On an as needed basis, the Department Head may request a security audit from the Police Department to determine whether any security measures, such as panic alarms, are necessary and effective.
- C. All employees should communicate with each other to be aware of any unusual activity that may identify the potential or actual occurrence of a violent incident.
- D. The Department Head, or his/her designee, will orient all new employees to departmental procedures regarding reporting incidents of violence, what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence.

1100 Miscellaneous

1101 Political Activity

- A. Employees are encouraged to exercise their right to vote in City elections but shall not engage or participate in any other way in said elections except in an official capacity as part of their assigned duties.
- B. Any employee who intends to give testimony in a legislative process (including testimony to the City Commission) involving issues relevant to the City or the employee's position with the City, must get permission from his/her Supervisor and the City Manager prior to providing testimony. This policy does not prohibit the employee from taking leave and testifying for themselves or exercising their rights as citizens, in which case the employee shall make clear they are not speaking on behalf of the City.
- C. Employees should not have direct or indirect conversations with state or federal legislators or their staff involving policies relating to the City without knowledge of their Supervisor and the City Manager.
- D. No employee shall use in any way any building, space, facility, machine, other City property, or on-duty employee connected to the City for the purposes of solicitation, promotion, election or defeat of any candidate for public office. This shall not prevent, however, the rental of any facility for the normal fee charged.
- E. Employees are not permitted to hold a seat on the Board of City Commissioners.
- F. Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any lawful political organization, for attending lawful political

meetings, from expressing their view on political matters or from voting with complete freedom in any election.

- G. Employees may sign a petition provided that such an activity is in an off-duty status.

1102 Rest Periods (Coffee Breaks) (CBA Article 12)

- A. Coffee breaks or rest periods shall be arranged so as not to interfere with City business as determined by each department's needs and services. (CBA 12.3)
- B. During each eight (8) hour shift, two fifteen (15) minute breaks shall be permitted, and may be taken back to back, or otherwise scheduled with the approval of the department head. Breaks shall be taken during normal scheduled hours. Shift workers shall take their lunch breaks when able during their shift. (CBA 12.3)
- C. During each twelve (12) hour shift, three (3), fifteen (15) minute breaks are permitted.

1103 Lactation Breaks

- A. The City will provide a reasonable amount of break time to accommodate a female employee's need to express breast milk for the employee's infant child up to one year of age; unless additional time is required by state law. The break time should, if possible, be taken concurrently with other break periods already provided. The City will provide the employee a private room for lactation breaks.

1104 Gifts and Gratuities

- A. No employee of the City shall accept any fee, reward, gift or gratuity that has any connection whatsoever with said employee's municipal employment or the performance of an employee's official duties.
- B. It is expressly prohibited for any employee, in any way, to use their position or influence for private gain for themselves or others.
- C. A business gift of an advertising nature valued at \$25.00 or less, or a meal, will not be considered as having influence on the performance of an employee's duties.

1105 Workweek (CBA Article 12)

- A. It is the City's intent to create a standard work week within which an employee is expected to perform municipal services. The City also realizes that from time to time circumstances may arise in which an employee is required to work variable hours.
- B. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is the City's policy that every employee be treated equally and fairly when expected to work odd or extended hours.
- C. Most full-time employees normally work five eight-hour days per seven-day workweek and are subject to the overtime provisions set forth in this handbook.
- D. Since some departments require 24-hour staffing, the Department Head may establish a workweek different than the foregoing schedule but in compliance with the FLSA.
- E. City Department Heads and exempt positions shall work the number of hours necessary to ensure the satisfactory performance of their duties.

- F. The standard 40-hour work week for the purpose of calculating pay and overtime shall begin at 12:01 a.m. Saturday and end at midnight Friday. *(CBA 12.0)*
- G. During snow removal operations, hours worked outside of the regularly scheduled shift shall be paid at the overtime rate of pay. All hours worked during the regularly scheduled shift shall be paid at the regular rate of pay. *(CBA 12.2)*
- H. Certified law enforcement personnel who are on patrol duty shall work a twelve (12) hour shift. Law enforcement personnel are subject to overtime provisions set forth in this handbook and the compensatory time off provisions set forth in the Fraternal Order of Police Collective Bargaining Agreement and in this handbook. Law enforcement staff personnel shall work 80 hours in a 14 day period.
- I. When the activities of a particular department require some other schedule to meet work needs, the City Manager may authorize a deviation from the normal schedule.
- J. Except for emergency situations, work schedules shall not be changed unless the changes are mutually agreed upon by the affected employee(s) and the employees' supervisor(s), Department Head, or the City Manager. Emergencies requiring a change in work schedule shall not require prior notice. For purposes of this Section, an emergency shall be defined as an unforeseen combination of circumstances or the resulting state that calls for immediate action or creates an urgent need for assistance or relief. *(CBA 12.1)*

1106 Recording Time

- A. Non-exempt employees must maintain a record of their regular hours worked, overtime worked, holidays, and vacation or sick leave used for the purpose of calculating and issuing pay checks.
- B. Exempt employees are not required to keep a record of their time, however must track their sick and vacation time used.
- C. Supervisors are required to review and approve time records. The method of tracking time will be uniform throughout the organization.

1107 Personnel Records Maintenance

- A. The City Manager shall maintain such personnel records as are necessary for the proper administration of the personnel system. The City shall maintain in personnel records only information that is relevant to accomplishing personnel administration objectives.
- B. The following information on each employee shall be maintained in the employee's personnel file and shall be open to public inspection:
 - 1. Salary
 - 2. Routine directory information

Other information maintained in an employee's personnel file are not considered public records and may be made available only in accordance with applicable open records laws, and provisions of this manual.

- C. Any person may have access to the public information listed above for the purpose of inspection, examination, and copying during the regular business hours, subject only to such

rules and regulations for the safekeeping of public records as the City Commission may adopt. Access to such information shall be governed by the following provisions:

1. All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information:
Name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two years.
 2. Upon request, records of disclosure shall be made available to the employee to whom it pertains.
 3. An individual examining a personnel record may copy the information.
 4. Any person denied access to any record shall have a right to compel compliance with these provisions and applicable law to a court for a writ of mandamus or other appropriate relief.
- D. All information contained in a City employee's personnel file other than the information previously listed shall be kept confidential and shall be open to inspection only as provided in this section.
1. The employee or his/her duly authorized agent may examine all portions of their personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical condition, that a prudent physician would not divulge to his patient. However, a licensed physician designated in writing by the employee to examine the employee's medical record may examine this portion of the file.
 2. A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
 3. By order of a court of competent jurisdiction or by valid subpoena, any person may examine all materials in the employee's personnel file.
 4. An official of an agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such information is deemed by the City Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
 5. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
 6. A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and supervisor).
- E. Records relating to internal investigations into the conduct of employees shall be kept separate from personnel files. Such records shall be kept strictly confidential and no person may have access to such records or disclose any information contained therein without explicit approval of the City Manager.

- F. If an internal investigation is undertaken in response to a complaint by a citizen, then the City may disclose to the complainant that an investigation was made and whether the City determined that the charge was founded or unfounded. The City may not disclose the nature of any disciplinary action taken.

1108 Executive Session – Personnel Discussion

- A. It is the policy of the Board of City Commissioners to move into executive session to discuss personnel issues such as employee qualifications, competence, performance, and character or fitness.
- B. 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.

1109 Hazardous Weather and Early Closing Policies

- A. The City of Yankton offices are open and operate normally throughout the year with the exception of approved holidays. The City has established a procedure by which variation in office openings and/or closings may occur as a result of hazardous weather. The City Manager and Department Heads will develop and distribute hazardous weather policies.
- B. The City of Yankton will be open and all employees will be expected to make reasonable efforts to get to work. Employees unable to arrive for work on any such day will need to use vacation/comp/personal time for the scheduled shift. If no vacation/comp/personal time available, the employee will not be paid for the day. All employees who are unable to report to work should call their department supervisor and report their absence prior to the start of their work day.
- C. In the event of an emergency, the City Manager may close City Hall or other City facilities for a period of time designated by the City Manager, with the exception of emergency services and other essential City facilities. (CBA 11.6)
- D. If the City Manager closes City Hall or other non-essential City facility, then an employee who was scheduled to work in the closed facility during the closure period may choose to:
 - a. use accrued vacation time;
 - b. use accrued compensatory time;
 - c. use unpaid time;
 - d. work the hours as normal (if approved by the City Manager);
 - e. make up the hours missed within the same pay period (with approval from the City Manager). Hours made up will not be considered overtime; or
 - f. report to the City Manager to be assigned work in a department that is providing essential City services. (CBA 11.6)
- E. No employee is entitled to any additional compensation, increased rate of pay, or additional paid leave of any type due to a closure for an emergency. If the City Manager awards additional compensation or administrative leave to any City employees in relation to an emergency closure, the same will be awarded in equal amounts to employees who are required to stay and work during the emergency closure period. (CBA 11.6)

1110 Technology Usage Policy

- A. Employees of the City of Yankton are provided access to a variety of technological equipment, software and resources including, but not limited to, a computer network (which includes network resources, email, and the Internet), software, electronic information and files, cellular phones, cameras, tablets, and video cameras.
- B. All users must adhere to the same code of professional ethics that governs all other aspects of City communication. This policy does not purport to address every technology related situation or scenario. It is the employee's responsibility to use sound judgment. Should an employee identify an issue or situation that they are uncertain how to deal with, they should inquire with management.
- C. The following policies outline the acceptable uses of the City technology resources:
 - 1. The City's technology resources and all data stored on or transmitted with such resources is the exclusive property of the City. Employees who use City technology resources have no expectation of privacy for any data or materials stored or transmitted using these resources.
 - 2. The City may monitor or block access to internet sites, monitor or block email, inspect any and all files or data stored on or transmitted with or using City technology related resources.
 - 3. End users are prohibited from downloading, installing and/or operating unauthorized programs applications and devices.
 - 4. Employees may download software directly related to conducting City business after obtaining from Information and Technology Services approval. Employees must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of the license.
 - 5. Each employee is responsible for reading, understanding and following all applicable licenses, notices, contract, and agreements for software that he or she uses on City technology related equipment.
 - 6. Employees are prohibited from installing City software on personal equipment without prior authorization.
 - 7. No employee may probe, bypass or attempt to bypass any security measure or procedure. Employees are prohibited from distributing viruses, spyware, malware, spam or participating in other questionable activities.
 - 8. Employees shall not permit any unauthorized individuals use of City technology resources, computers, networks or internet connections.
 - 9. Employees shall protect passwords and sensitive data from disclosure.
 - 10. Outside technology equipment, devices or media may not be connected to City resources. This restriction includes electronic media, 3rd party computers or devices and other technology related equipment.
 - 11. The use of technology resources for harassment or other inappropriate behavior regarding age, race, color, religion, gender, national origin, disability status, genetic

information and testing, family and medical leave, pregnancy and childbirth or related medical conditions, sexual orientation, gender identity or express, protected veteran status or any other characteristics protected by law.

12. Sexually explicit material may not be accessed, displayed, archived, stored, distributed, edited or recorded using City technology resources. An exception may be made for official police/investigative purposes.
13. Nothing in this policy is intended to restrict communications or prevent employees from engaging in protected activity under the NLRA, such as discussing wages, benefits, or terms and conditions of employment or legally required activities.

1111 Social Media Policy

- A. Some employees may be requested to use social media as part of their regular duties. Social media is defined as media to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to LinkedIn, Twitter, Facebook, Instagram, TikTok, YouTube, and Snapchat.
- B. Both in professional and personal roles, employees are required to follow the same behavioral standards online as they would in real life. The same laws, professional expectations, and guidelines for interacting with citizens, co-workers, supervisors, media and others apply online as in the real world. Employees are liable for anything they post to social media sites.
- C. It is the City's policy that employees:
 1. Protect confidential and proprietary information: Do not post confidential or proprietary information about the City of Yankton or other employees.
 2. Respect copyright and fair use: When posting, be mindful of the copyright and intellectual property rights of others and of the City.
 3. Do not use the City of Yankton's name or logos for endorsements: Do not use the City logo or any other City images or iconography on personal social media sites. Do not use the City of Yankton's name to promote a product, cause, or political party or candidate.
 4. Respect City time and property: City computers and time on the job are reserved for City related business as approved by supervisors and in accordance with the Technology Use Policy.
 5. Obey the Terms of Service of any social media platform employed.
 6. The use of social media while on work time, should be limited and must not interfere with the job performance.
 7. Employees are encouraged to use proper business etiquette at all time. Employees are responsible for any/all comments made on social media.
 8. The City reserves the right to monitor all posts to protect its interests and monitoring compliance with the public entity's social media.
 9. Employees are encouraged to keep social media accounts clean.

- D. City Employees posting on behalf of an official City unit shall adhere to the following policies:
1. Notify the City Manager and Information and Technology Service: Departments that have a social media page or would like to start one should contact the City Manager's office to ensure all City social media sites coordinate with other City of Yankton sites and their content.
 2. All institutional pages must have a full-time appointed employee who is identified as being responsible for content.
 3. Acknowledge who you are: If you are representing a department of the City of Yankton when posting on a social media platform, acknowledge this and disclaim this if you are not.
 4. Have a plan: Departments should consider their messages, audiences, and goals, as well as a strategy for keeping information on social media sites up-to-date.
 5. Link back to the City: Whenever possible, link back to the City of Yankton website. Ideally, posts should be very brief; redirecting a visitor to content that resides within the City of Yankton web environment as necessary.
 6. Protect the institutional voice: Posts on social media sites should protect the City's public voice by remaining professional in tone and in good taste. No individual department should construe its social media site as representing the City as a whole. Consider this when naming pages or accounts, selecting a profile picture or icon, and selecting content to post – names, profile images, and posts should all be clearly linked to the particular department or unit rather than to the City as a whole.
 7. Administrative rights for all social media outlets associated with the City of Yankton shall be granted to the Director of Information & Technology Services.
- E. Nothing in this policy is intended to restrict communications or prevent employees from engaging in protected activity under the NLRA, such as discussing wages, benefits, or terms and conditions of employment or legally required activities.

1112 Cellular Phone Policy

- A. The City recognizes that certain employees are required to maintain and use cellphones for city business purposes. The City must be able to contact certain employees at all times for work-related emergencies, or such employees are required to be available to speak with contractors, vendors, other employees, and City officials and residents when the employee is away from a landline phone and at times outside of the employee's normal work day. To fully perform their job duties, such employees require access to cellphone email, data applications, and scheduling functionality.
- B. Effective January 1, 2023, the City shall not issue any new cellular phone, tablet, or computer technology reimbursements and stipends. Employees who wish to utilize personal cell phones, tablets, or computers for work purposes shall first be required to sign a consent and waiver acknowledging that such use is voluntary and that hourly employees are not permitted to utilize their personal devices for work purposes unless the employee is

clocked-in, or the employee is responding to assigned on-call duties, or the employee has the prior written permission of the Department Head or supervisor.

- C. As a representative of the City of Yankton, all phone users are reminded that regular business etiquette when speaking from any office phones should also be used when conversing on a cellphone for City business.
1. To ensure effective telephone communications, employees should always speak in a courteous and professional manner.
 2. Cellphones should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive.
 3. Employees are reminded that they are representing the City of Yankton to the outside world every time they use City of Yankton's telephone, electronic and wireless communication devices including but not limited to cell phones, laptop computers, removable storage devices, Internet access and e-mail to directly or indirectly conduct City of Yankton business.
 4. The City of Yankton reserves the right to monitor all posts to protect its interests and monitoring compliance with the public entity's social media.
- D. *Personal cellphones:* While personal telephone calls, personal phone use, and/or text messaging using City telephones are not prohibited, their frequency, duration, and volume should not interfere with ongoing work nor distract fellow employees.
1. all material, data, communications and information created on, received, or transmitted by, printed from or stored or recorded on a personal cell phone for the City's business or on behalf of the City is the property of the City.
 2. in order to prevent misuse, the City reserves the right to monitor, intercept, review and remotely wipe, without further notice, all City content in the City's sole discretion. Employee thus has no expectation of privacy whatsoever in any City content.
 3. It is Employee's responsibility to regularly back up personal content so that personal information is not lost if the device is wiped.
 4. Employee must use best efforts to physically secure such devices against loss, theft, damage or use by persons who have not been authorized to access the device.
 5. Employees must immediately report any device used for City business that is lost, stolen, accessed by unauthorized persons or otherwise compromised so that the City can assess the risk and, if necessary, remotely wipe all City content.
 6. Employee must promptly provide the City with access to such device when requested or required for the City's legitimate business purposes, including in the event of any security incident or investigation.
 7. Nothing in this Agreement is intended to restrict communications or prevent employees from engaging in protected activity under the National Labor Relations Act ("NLRA"), such as discussing wages, benefits, or terms and conditions of employment or legally required activities.

- E. Excessive personal calls, personal phone use and/or text messaging during the workday can interfere with employee productivity and be distracting to others. Employees are therefore asked to make personal calls, personal phone use, and/or text messages on nonwork time where possible and ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention.
 - 1. In the case of an emergency, when an employee is required to respond to work correspondence outside their normal work schedule, the employee should either clock in to the City's payroll system or record time spent working on behalf of the City and visit with their supervisor the following day to have their timesheet modified to include said time.
 - 2. Employees may not use their personal devices for work purposes during periods of unpaid leave without authorization from a supervisor. The City reserves the right to deactivate the City's application and access on the employee's personal device during periods of unpaid leave.
 - 3. City of Yankton will not be liable for the loss of personal cellphones or other electronic devices brought into the workplace.
 - 4. Any applications that employees elect to add and use on personal devices on personal time are not subject to overtime.
- F. City-provided Cellphones: When job duties or business needs demand, the City of Yankton may issue a business cellphone or other electronic device to an employee for work-related communications. Personal use of City of Yankton-owned cellphones should be kept to a minimum.
 - 1. Employees in possession of City of Yankton-owned cellphones are expected to protect the equipment from loss, damage or theft.
 - 2. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection.
 - 3. Employees unable to present the electronic equipment and accessories in good working condition within the time period requested (for example 24 hours) may be expected to bear the cost of a replacement.
 - 4. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment not in good standing and may be subject to legal action for recovery of the loss.
- G. Safety Issues for cellphone use: All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones (whether personal or city issued) at all times.
 - 1. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Use of a cellphone while driving is not permitted by the City of Yankton. Safety must come before all other concerns.

2. Regardless of the circumstances, including slow or stopped traffic, employees are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call.
 3. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times.
 4. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.
 5. Reading or sending text messages while driving is strictly prohibited.
 6. 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.
 7. The use of camera or other video or audio recording-capable devices on City of Yankton premises is prohibited without the express prior permission of employee's Department Head and of the person(s) subject to recording. Video or audio recording in restrooms is strictly prohibited.
 8. Employees violating this policy will be subject to discipline, up to and including termination of employment.
- H. Nothing in this policy is intended to restrict communications or prevent employees from engaging in protected activity under the NLRA, such as discussing wages, benefits, or terms and conditions of employment or legally required activities.

1113 Clothing and Appearance Policies

- A. Each employee's dress, grooming and personal hygiene should be appropriate to the work situation. Cleanliness and good grooming are expected.
- B. Employees are expected at all times to present a professional, business-like image to the public.
 1. The appearance of employees that do not regularly meet the public is to be governed by the requirements of safety and comfort, but should be as neat as working conditions permit.
 2. The appearance of office workers and employees who have regular contact with the public shall follow normally accepted standards for similar situations.
- C. The wearing of suggestive attire, soiled clothing, or a radical departure from conventional dress is not permitted.
- D. The wearing of clothing exhibiting offensive language, images or logos from other units of government are prohibited.

1114 Tuition Reimbursement Policy

- A. Any fulltime employee, in good standing and off of probation, wishing to complete a college degree (associate's bachelor's or graduate program) or technical school to enhance overall knowledge, skills, and job performance, and at the same time increase the individual's value to the City as an employee, may submit a written request to their Department Head for the

- reimbursement of tuition. The request must be submitted prior to enrolling in the class, including the name of the program, the estimated cost of tuition, estimated completion date, and verification as to how it will enhance the employee's job performance or future professional growth within the City of Yankton.
- B. Coursework or a track of coursework not related to a specific degree but related to an employee's job function or role in the organization may also be considered for reimbursement. If approved by the Department Head, a recommendation will be made to the Director of Human Resources and Employee Engagement and to the City Manager.
 - C. The employee will be reimbursed the cost of tuition or enrollment fee upon proof of successful completion of the class, according to the schedule below. The employee must obtain a "C" grade or better in course work, or a certificate designating the successful completion of all requirements set forth by the Technical School. Employees will be reimbursed for tuition only and not be reimbursed for the cost of books, fees, materials, or student loan interest. Reimbursements may be limited depending on the available budget.
 - D. Employees receiving approval to attend a college or on-going class during work hours will be required to make up any lost work time. Arrangements to do so must be coordinated through the employee's immediate supervisor or department head.
 - E. Reimbursement Schedule. Tuition reimbursement may be granted for a maximum of twelve (12) semester hours in any academic year. Reimbursement shall be based on the individual's performance as follows:
 - 1. A or above 100%
 - 2. to B+75%
 - 3. to C+50%
 - 4. D and below constitutes no reimbursement allowance
 - F. All courses must be through a university, college, or technical/community college that has been accredited by the American Council on Education (ACE) in the "Accredited Institutions of Postsecondary Education Directory".
 - G. Classes will not be reimbursed for employees seeking a second technical, associate's, bachelor's, or master's degree unless the City Manager grants prior approval.
 - H. The decision to approve or disapprove reimbursement will be authorized by the City Manager and provided in writing by the Director of Human Resources and Employee Engagement.
 - I. If an employee can attend an approved college, university, or technical school and is eligible to receive military or other tuition assistance, the employee cannot receive the City tuition reimbursement.
 - J. The tuition reimbursement program is retroactive to the eligible employee's date of employment. Denial of a reimbursement may be related to budgetary constraints each year. Employees may reapply for consideration.
 - K. The tuition reimbursement funding will come from the department in which the employee is employed in.
 - L. Employees seeking reimbursement for educational expenses must agree in writing to repay the City if they leave the City voluntarily within three years from the date of reimbursement. Repayment will be in accordance with the following schedule:
 - 1. Within one (1) year of reimbursement 100%
 - 2. Within two (2) years of reimbursement 75%
 - 3. Within three (3) years of reimbursement 50%
 - M. Employees must have completed their required probationary period and in good

standing to become eligible for tuition reimbursements.

- N. Once coursework is complete and the employee is ready to receive reimbursement, the employee must submit the following:
 - 1. Application for Tuition Reimbursement signed by the Employee, Department Head, and Director of Human Resources and Employee Engagement.
 - 2. Transcript or equivalent showing grades/GPA or equivalent AND completion of degree.
 - 3. Proof of payment or student loan documentation.
 - 4. Amount requested for reimbursement and detailed accounting.

1115 Arrest Policy

- A. Any employee who has been arrested or charged with or has reasonable knowledge to believe they will be arrested or charged with any felony or any crime (including misdemeanors) involving a sex offense or illegal drugs or illegal use of legal drugs shall immediately report this information to his or her supervisor. The supervisor is required to immediately report this information, through the chain of command, to the appropriate department secretary, bureau commissioner, or institution administrator who shall report it to the Commissioner of the Bureau of Human Resources. Department Secretaries and Bureau Commissioners may approve more extensive reporting requirements.

1116 Notary Policy

- A. Employee issued notary equipment belongs to the City of Yankton and shall be stored at your place of work. During your employment with the City of Yankton, you may not use City issued equipment to independently charge for providing notary services. Notary commissions will generally not be issued until the completion of the work probationary period. Upon separation of employment with the City, all issued equipment shall be returned.

1117 Labor Conventions, Activities and Negotiations (CBA Article 11)

- A. The City agrees to grant the necessary time off, without discrimination and without pay, to Union delegates (not to exceed four) designated by the Union to attend an official labor convention. Absences for a labor convention shall require 15 days' notice. The participation in Union activities such as Union meetings and committee meetings will be permitted only during off-duty hours.
- B. The necessary time off, without discrimination and without pay, for purpose of attending a labor convention shall be subject to the following limitations: Collective time off for Union officers and other official delegates shall not exceed 176 hours in any calendar year and must be taken in not less than four-hour increments by each attendee. Those employees scheduled for shift work must take time off consistent with their total shift length. Only one Union employee from a departmental division may be allowed time off at any one time.
- C. The Union shall be required to provide two weeks prior written notice to the Department Head and to the City Manager of each designated Union Member attending an event.
- D. Members of the Union negotiating team, who are City employees, will be allowed to attend

negotiation sessions during regularly scheduled duty hours. The time of each City employee spent on attendance at negotiation sessions during their regularly scheduled duty hours shall be compensated by the City at his or her regular hourly rate, subject to the following limitations:

- a. No more than one employee from any one City department may attend negotiation sessions unless mutually agreed to by both the City and Union.
- b. Total compensation paid to the Union negotiating team will not exceed 240 hours for all members combined.
- c. No compensation will be paid for the time spent preparing for negotiations, nor will this preparation be done by any employee during his regularly scheduled duty hours.
- d. No Union negotiating team member shall be paid by the City for time spent on negotiations that are conducted during time other than regularly scheduled duty hours. Any additional time spent attending negotiations by the employee during his regularly scheduled duty hours may be taken as vacation, compensatory leave, personal leave, or time off without pay.

1118 Key and Property Policy

- A. Keys and property issued by the City of Yankton are a great responsibility for security and safety of all of employees and of great cost to the department responsible for them if lost. Employees may be assigned keys and City owned property from time to time.
- B. It is the employee's responsibility to notify the immediate Supervisor or Department Head if key(s), computer equipment, or other City issued equipment are lost. If keys are in possession of an employee after the approved shift, the employee could receive disciplinary action. Employees who accidentally take keys home, the employee must notify the supervisor immediately and return the keys to the Department at the earliest convenience. Failure to return keys may result in disciplinary action.
- C. In the event of Lost Keys / Equipment, follow the following steps:
 - a. Notify your immediate supervisor or Department Head immediately upon notice that your keys or other City issued equipment are missing.
 - b. Supervisor or Department Head will notify City Manager immediately.
 - c. If the keys or City issued equipment cannot be located, Supervisor or Department Head will notify City Manager.
 - d. Please be advised that failure to report as per described above could result in disciplinary action.
- D. The U.S. Department of Labor opinion letter FLSA2006-7 advises employers that deductions from an exempt employee's pay to reimburse the employer for lost or damaged equipment would violate the salary basis rule and is not permitted.

1119 Pet Policy

- A. The City of Yankton is responsible for assuring the health and safety of all employees. In keeping with this objective, the City of Yankton has formulated a policy balancing these concerns with the desire to promote a positive employment experience by allowing appropriate pets in the office. A pet may be allowed in the office if its health and behavior are acceptable within an office setting, and if it does not adversely affect office operations.
- B. A pet owner wishing to bring a pet to the office should first obtain written permission from his or her immediate Department Head or in their absence, the City Manager. Any decision to allow a pet to come to the office, or to exclude a pet from the office, will be made by the owner's immediate Department Head or City Manager. That decision will be final.
- C. The privilege of bringing a pet to work is subordinate to the health, safety, and comfort of persons who may come into contact with animal at the office. An animal may be excluded from the office if it:
 - a. Causes any person to experience allergic reactions, fear, or any other physical or psychological discomfort;
 - b. Distracts any employee from their work; or
 - c. Reduces any employee's productivity or quality of work.
- D. Any individual with a grievance regarding an animal at the office should bring the matter to the attention of the owner's immediate Department Head.
- E. In addition, the following animals may not be brought to the workplace:
 - a. Sick animals
 - b. Animals with fleas or any disease that is communicable to other animals in the office or to humans
 - c. Animals that have not been properly vaccinated, or that have internal or external parasites;
 - d. Dogs that bark or behave aggressively; or
 - e. Animals that foul the inside or outside of the building.
- F. Animals must be licensed within the City of Yankton.
- G. Animals that have not been spayed or neutered will not be permitted to come to the office in season.
- H. All animals must be in the continuous full control of their owners. They should be in the physical presence of the owner, in the owner's office, or in the space around the owner's desk at all times. Owners are expected to clean up, completely and immediately, after their animals. An employee who brings an animal to the office is completely and solely liable for any injuries or any damage to personal property caused by the animal. Any repair or cleaning/maintenance costs incurred by an animal will be charged in full to the owner.
- I. City of Yankton may, at its discretion, require animal owner to maintain a liability insurance policy covering damage or injuries caused by the animal while at the office. The City may specify minimum coverage amounts under such a policy and may require the owner to pay for such coverage. City of Yankton shall not be liable for loss of, or injury to, any animal brought to the office.

Animals that bite will be immediately removed from the premises and will not be allowed to return. The privilege to bring a pet to work may be revoked at any time by the department head or city manager.

City of Yankton 15 Mile Residency Requirement





To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.

CITY OF YANKTON
TRAVEL REQUEST / TRAVEL ADVANCE REQUISITION

TO: CITY MANAGER DATE: FROM: (Requisitioning Department)

PURPOSE / TITLE OF WORKSHOP/TRAINING*

DATES: LOCATION:

ATTENDED BY: ACCOUNT NO:

Per Diem Requested: Yes No \$ Check made payable to:

Travel Advance Requested: Yes No \$ Check made payable to:

Table with 4 columns: Estimated Costs, Paid by PO or P-CARD, Travel Advance, Total. Rows include Lodging, Meals, Transportation, Registration, Other, and TOTAL.

Table with 5 columns: Supporting Details, Breakfast, Lunch, Dinner, Daily Total. Rows include Leaving before, When arriving after, In State, Out of State, Date, and TOTAL.

*Brochure or Training Information must accompany Travel Request

No city funds are to be spent on any alcoholic beverages.

Are you using a City owned vehicle? Yes No

Personal vehicles must have prior written permission from the City Manager, attach written permission

Is this training mandatory / required for this employee's job? Yes No

Is this training reimbursable? Yes No If Yes, by whom?

Will employee incur overtime during this travel? Yes No

Is travel for employee causing overtime for others? Yes No

Was this planned / budgeted training or travel for the year? Yes No

Approved by: Department Head City Manager Advance Received by

Routing: Submit to Human Resources for approval, 1 month in advance, unless special arrangements are made, a copy of such arrangements must accompany training request. No same day travel requests will be made. After approval, HR will provide copy to Department Head. HR will forward form to Finance for travel advance / PO processing.



**CONSENT & WAIVER AGREEMENT FOR USING PERSONAL CELL
PHONE FOR BUSINESS USE**

The below-named employee certifies that they consent to using their personal cell phone (said number is listed below) for City of Yankton business use.

GOALS AND OBJECTIVES

It is understood and agreed that the City of Yankton and said employee share the following goals and objectives in regard to using their personal cell phone for City of Yankton business.

- Employee acknowledges that the cell phone (listed below) is their personal cell phone.
- Employee acknowledges that on occasion said Employee may choose to voluntarily access their work email, respond to a work email, or answer or make a call regarding City of Yankton business while using their personal cell phone.
- Employee further understands that by using said personal cell phone, that they are considered at work or on work time and that said Employee is not permitted to utilize their personal devices for work purposes unless the employee is clocked-in, or the Employee is responding to assigned on-call duties, or the employee has the prior written permission of the Department Head or supervisor.
- Employee further understands and acknowledges that:
 - a. Employee will abide by all local, state and federal laws as well as the City of Yankton’s Personnel Manual regarding using cell phones while driving.
 - b. Conduct business in a professional manner.
 - c. The City of Yankton is not responsible for any usage, billing, reimbursement or replacement of said personal cell phone.
- Employees receiving a reimbursement from the City of Yankton for a phone expense acknowledge the fact that their phone may be subject to electronic discovery pursuant to a legal process involving business of the City of Yankton.

Dated this ___ day of _____, 2023

Employee’s Name

Cell Phone Number

Employee’s Signature

Supervisor

Director of Human Resources

City Manager

DISCIPLINARY ACTION FORM



EMPLOYEE: _____
DEPARTMENT: _____
SUPERVISOR: _____

ID Number: _____
POSITION: _____

TYPE OF ACTION:

- Written Warning
- Suspension: Begins: _____ Ends: _____ Totals Hours Suspended: _____
- Termination: Effective: _____
- Other: _____

Date(s) of Incident: _____ Time of Incident: _____

Explanation of the Incident(s) or Behavior(s):

Reported by:

Documentation (please describe and attach copies):

Employee's Comments:

Corrective Action Plan:

Next Action Step if Problem Continues:

Please reference and read the following section of the Personnel Manual, CBA or FOP

Follow up

- Two weeks One month Three months Six months

I acknowledge receipt of this disciplinary action and that its contents have been discussed with me. I understand that my signature does not necessarily indicate agreement and that refusal to sign will not invalidate the disciplinary action. I understand that this form will be placed in my personnel file. I further have been informed that I may submit a written response to the information in this form, and that my written response will also be kept in my personnel file.

Employee Signature

Manager/Supervisor Signature

Manager/Supervisor Signature

Department Head

City Manager

HR Initials

Date

Date

Date

Date

Date

Copy Provided to FOP/AFSCME

*Copies of this form and any attachments should be sent to the Employee.
The originals should be sent to Human Resource Department.*

RECORD OF VERBAL WARNING

EMPLOYEE: _____
DEPARTMENT: _____
SUPERVISOR: _____

ID Number: _____
POSITION: _____

WARNING RELATED TO:

- | | | |
|---|---|---|
| <input type="checkbox"/> Absence | <input type="checkbox"/> Violation of Safety Rules | <input type="checkbox"/> Violation of Policies/Procedures |
| <input type="checkbox"/> Tardiness | <input type="checkbox"/> Unauthorized use of equipment/materials | <input type="checkbox"/> Dishonesty |
| <input type="checkbox"/> Unsatisfactory job performance | <input type="checkbox"/> Harassment | <input type="checkbox"/> Falsification of Record |
| <input type="checkbox"/> Insubordination | | <input type="checkbox"/> Other |

Date(s) of Incident: _____ Time of Incident: _____

Explanation of the warning:

Summary of corrective plan of action:

Next Action Step if Problem Continues:

Please reference and read the following section of the Personnel Manual, CBA or FOP

Follow up

- Two weeks One month Three months Six months

I acknowledge receipt of this verbal warning and that its contents have been discussed with me. I understand that my signature does not necessarily indicate agreement and that refusal to sign will not invalidate the verbal warning. I understand that this form will be placed in my personnel file.

Employee Signature

Date

Manager/Supervisor Signature

Date

Manager/Supervisor Signature

Date

Department Head

Date

City Manager

Date

HR Initials

Copy Provided to FOP/AFSCME

***Copies of this form and any attachments should be sent to the Employee.
The originals should be sent to Human Resource Department.***

City of Yankton Employee Performance Evaluation

Objective:

The formal performance evaluation system is designed to:

- Maintain or improve each employee's job satisfaction and morale by letting him/her know that the supervisor is interested in his/her job progress and personal development.
- Serve as a systematic guide for supervisors in planning each employee's further training.
- Assure overall consideration of an employee's performance and focus maximum attention on achievement of assigned duties.
- Assist in determining and recording special talents, skills, and capabilities that might not otherwise be recognized.
- Assist in planning personnel moves and placements that will best utilize each employee's capabilities.
- Provide an opportunity for each employee to discuss job problems and interests with his/her supervisor.
- Assemble substantiating data for use as a guide, although not necessarily the sole governing factor, for such purposes as promotions, disciplinary action, and termination.

Instructions:

Review the employee's work performance for the entire period; refrain from basing judgment on isolated events or recent events that do not fall within the evaluation period. Disregard your general impression of the employee and concentrate on one factor at a time.

Evaluate the employee based on standards and expectations for their assigned job, considering the length of time in the job. Rate only those factors that are applicable to the job and include examples for each section. Mark the number that most accurately reflects the level of performance for the factors appraised using the rating scale described below:

Rating scale:

- 1= Performance, knowledge, skill level or abilities are **unacceptable** compared to position requirements
- 2= Performance, knowledge, skill level or abilities are **consistently below** position requirements
- 3= Performance, knowledge, skill level or abilities are **sometimes below** position requirements
- 4= Performance, knowledge, skill level or abilities **meets** position requirements
- 5= Performance, knowledge, skill level or abilities **sometimes exceed** position requirements
- 6= Performance, knowledge, skill level or abilities **consistently exceed** position requirements
- 7= Performance, knowledge, skill level or abilities are **superior** compared to position requirements
- N/A= **Not applicable**

*Any area rated at three or below and any area rated at six or above requires an entry in the comments section

City of Yankton Employee Performance Evaluation

Employee name:

Evaluation period:

Prepared by:

| | Unacceptable | | Meets | | | Exceeds | | N/A |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | N/A |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

1. Appearance and department

Presents a professional, neat appearance in attire appropriate to assignment or activity. Follows department directives in the wearing of appropriate attire. Instills confidence and respect of employees and the department through personal conduct and behavior, which is professional and businesslike.

| | | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | N/A |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2. Attendance, punctuality, preparedness for duty

Arrives on time, fully prepared for all scheduled work day. Attends all department meetings, training, and contributes to same. Completion of daily activities, reports, or assignments are in a timely manner. Utilizes sick time only when necessary. Plans time off and makes notifications well in advance.

| | | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | N/A |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Attitude, acceptance of direction, interpersonal skills

Maintains a positive attitude in general. Follows and carries out all directions with a positive professional attitude. Responds positively to constructive criticism. Accepts ideas and approaches to solutions, which are different from their own. Displays sensitivity, fairness, and patience when dealing with others. Refrains from insensitive or unprofessional remarks, gestures, writing, or other communications.

| | | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | N/A |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4. Initiative and tenacity

Maintains self-initiated activity at a level comparable to team/department average. Makes appropriate suggestions and offers solutions and assistance to other department employees. Motivates others by setting a positive example.

1 2 3 4 5 6 7 N/A

5. Judgment and decision making

Uses appropriate discretion with daily tasks. Displays common sense and makes sound decisions in general. Requires minimal supervision, but seeks help, clarification, or guidance when appropriate and before mistakes occur. Communicates issues to appropriate Supervisor.

1 2 3 4 5 6 7 N/A

6. Effectiveness under stress

Maintains a calm, controlled demeanor in high-stress situations. Makes logical, sound decisions and communicates effectively under pressure. Clearly recalls, articulates, and documents events or actions taken under high-stress situations.

1 2 3 4 5 6 7 N/A

7. Knowledge

Understands and properly applies knowledge of the current city and department directives that affect their day to day assignment. Takes appropriate action, utilizes proper procedures and investigative techniques with regard to directives, based on their knowledge.

1 2 3 4 5 6 7 N/A

8. Equipment

Operates vehicles and other equipment safely and in accordance with instructions and procedures. Maintains equipment and ensures it is prepared for the next user. Reports damaged or unsafe equipment immediately. Utilizes safe practices with equipment that minimizes the risk of damage or injury.

1 2 3 4 5 6 7 N/A

9. Technical skills, department-community involvement

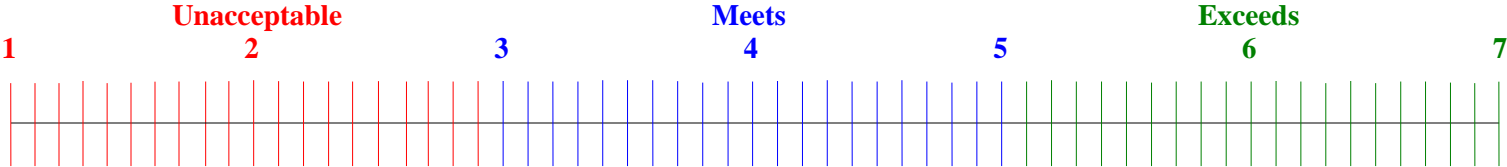
Maintains a high level of proficiency or involvement in areas beyond the requirements of his/ her normal assignment. His/ her skills, additional involvement, or volunteerism is a benefit to the department and the community.

Substantiated employee complaints, corrective action plans, or discussion record entries received during this evaluation period

Achievements

Goals and Expectations

Overall evaluation for this period



Performance Summary

Employee comments

Performance Evaluation Required Signatures

_____ date _____

Employee

_____ date _____

Supervisor

_____ date _____

Department Head

_____ date _____

City Manager

MERIT INCREASE REQUEST FORM

Department heads or city management may wish to recognize an employee for work performed above and beyond expectations (examples may include but are not limited to: special projects, advanced certifications, etc.) by awarding increases on the pay scale at the discretion of the City Manager. In order to maintain competitiveness or to retain quality employees in the employment marketplace, sometimes city management must increase pay for specific positions or classes of positions or grant specific employees increases as determined necessary at the discretion of the City Manager.

_____, _____, _____
 (Employee Name) (Position Title) (wage rate)

Work Performed as above and beyond is as follows:

 Employee Signature

 Date

 Manager/Supervisor Signature

 Date

 Manager/Supervisor Signature

 Date

 Department Head

 Date

 City Manager

 Date

 HR Initials

Copy Provided to FOP/AFSCME

*Copies of this form and any attachments should be sent to the Employee.
 The originals should be sent to Human Resource Department.*



ON CALL SWITCH REQUEST

_____ will work for _____
Employee Initiating On - Call Switch Employee (2)

On _____
On Call Dates to Switch

And _____ will work for _____
Employee (2) Employee (1)

On _____.

Reason for Request:

Employee (1) Signature _____

Employee (2) Signature _____

Supervisor's Signature _____

HR Initials _____



Request for Voluntary Donation of Vacation

Name: _____ Department: _____

Current Address: _____

Reason for the Request (Explain): _____

Signature: _____ Date: _____



TO: Human Resources

FROM: _____
Print Name

Please transfer _____ hours of my vacation leave to _____.

I understand that this leave will be transferred at the rate of one hour to one hour.

Please view section 611 of the Personnel Handbooks for full details.

1. Each request will be reviewed on a case-by-case basis and approved by the City Manager.
2. A donor may authorize the transfer of up to 24 hours of vacation leave. A donor may transfer no more than 24 hours in a 12-month period.
3. The vacation leave balance of the employee donating hours may not drop below 40 hours due to the transfer.

Employee Signature

Date

WAGE ADJUSTMENT REQUEST FORM

Any employee who works out of class may be eligible for additional compensation. An employee works out of class when (1) an employee is responsible for covering duties of an absent employee excluding an absent employee with the same duties or an absent employee with the same or lower job class salary range attendant to their job title for longer than a period equivalent to two weeks or (2) the employee's supervisor and Department Head or the City Manager determine the employee is working out of class.

_____, _____, _____
 (Employee Name) (Position Title) (wage rate)

was responsible for covering the duties of _____,
 (Employee Name)

_____, _____, while they were on a leave of absence.
 (Position Title) (wage rate)

The period of time for working out of class: _____ to _____.

| | |
|---------------------------------------|--------------------------------------|
| _____ Employee Signature | _____ Date |
| _____ Manager/Supervisor Signature | _____ Date |
| _____ Manager/Supervisor Signature | _____ Date |
| _____ Department Head | _____ Date |
| _____ City Manager | _____ Date |
| _____ HR Initials | _____ Approved _____ Denied |

*Copies of this form and any attachments should be sent to the Employee.
 The originals should be sent to Human Resource Department.*