



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday November 1, 2023

Time: 5:30 p.m.

Location: **City Hall Council Chambers – 1103 W Main Street**

Call-to-order, Roll Call, Pledge of Allegiance, Invocation:

Action Item:

- A. Approve Agenda

Information Item:

- 1. Special Recognition Veteran Employees – Councilman Murray
- 2. Legislative Update – Representative Skaug
- 3. MRFD Update – Chief Timinsky

Action Items:

- 1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for City Council October 18, 2023, Regular meeting.
 - b. Consider approving minutes for City Council October 18, 2023, Joint Special Meeting.
 - c. Consider approving minutes for Candidate Forum October 17, 2023.
 - d. Consider ratifying payroll for October 20, 2023, in the amount of \$207,368.55.
 - e. Consider approving accounts payable through October 20, 2023, in the amount of \$164,306.97.
- 2. Consider Resolution No. 491-23 A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING A REVISED POLICY IN THE EMPLOYEE HANDBOOK REGARDING INSURANCE COVERAGE; AND PROVIDING AN EFFECTIVE DATE. - Ms. Crofts

Public Comments:

Mayor, and Council Comments:

Adjourn:

Posted by:


Jennica Reynolds, Deputy Clerk

Date: October 27, 2023, 5:00 p.m.

Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.

1a

**MIDDLETON CITY COUNCIL
OCTOBER 18, 2023**

The Middleton City Council Meeting was called to order on October 18, 2023, at 5:35 p.m. by Mayor Steve Rule.

Roll Call:

City Council: Council President Kiser and Council Members Huggins, Murray and O'Meara were all present.

Mayor Rule, City Attorney Mr. Waterman, City Administrator Ms. Crofts, Public Works Director Mr. Van Gilder, and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Jim Taylor

Action Items

A. Approve Agenda

Motion: Motion by President Kiser to approve the Agenda posted October 16, 2023, 5:15 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Action Item:

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for City Council October 4, 2023, Regular meeting.**
 - b. **Consider ratifying payroll for October 6, 2023, in the amount of \$105,949.07.**
 - c. **Consider approving accounts payable through October 13, 2023, in the amount of \$435,355.17.**

Mayor Rule called the item and President Kiser reviewed the accounts payable with the Council.

Motion: Motion by President Kiser to approve Consent Agenda Items 1 a, b, and c. Motion seconded by Council Member O'Meara and approved unanimously.

2. **Public Comment: Consider approving Resolution No. 486-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, PURSUANT TO IDAHO CODE § 50-2015(a) AND (b), AUTHORIZING EXECUTION AND DELIVERY OF A WARRANTY DEED FOR THE TRANSFER OF REAL PROPERTY HEREINAFTER DESCRIBED FROM THE CITY OF MIDDLETON, IDAHO, AN IDAHO MUNICIPAL CORPORATION, TO THE MIDDLETON URBAN RENEWAL AGENCY, A PUBLIC BODY CORPORATE AND POLITIC, ORGANIZED AND EXISTING PURSUANT TO THE IDAHO URBAN RENEWAL LAW, CHAPTER 20, TITLE 50, IDAHO CODE. – City Attorney**

Mayor Rule called the item and City Attorney Mr. Waterman explained the history of this item. It is being brought back before Council open to public comment. Ms. Crofts clarified how the value of the land was set.

Mayor Rule opened public comment.

Tyson Sparrow: Asked about the way the interest and price is calculated in the final resolution, vs what was discussed in previous meetings.

Mayor Rule closed public comment.

Ms. Crofts and Mr. Van Gilder clarified the terms of the agreement.

Council Member Murray asked a question about the increment value to the URD and how that affects the Fire District. Ms. Crofts explained the process.

Motion: Motion by Council President Kiser to approve Resolution No. 486-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, PURSUANT TO IDAHO CODE § 50-2015(a) AND (b), AUTHORIZING EXECUTION AND DELIVERY OF A WARRANTY DEED FOR THE TRANSFER OF REAL PROPERTY HEREINAFTER DESCRIBED FROM THE CITY OF MIDDLETON, IDAHO, AN IDAHO MUNICIPAL CORPORATION, TO THE MIDDLETON URBAN RENEWAL AGENCY, A PUBLIC BODY CORPORATE AND POLITIC, ORGANIZED AND EXISTING PURSUANT TO THE IDAHO URBAN RENEWAL LAW, CHAPTER 20, TITLE 50, IDAHO CODE. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Kiser – Yes, Huggins – Yes, Murray – Yes, O'Meara – Yes.

3. Consider authorizing the Mayor to accept the proposal from Integrity Inspection Solutions, Inc. to repair a sanitary sewer pipeline in the area of Donna Drive and South Hawthorne Street in the amount not to exceed \$8,850.00. - Mr. Van Gilder

Mayor Rule called the item and Mr. Van Gilder explained the item and clarified that no private property would be affected by the repair. The sewer pipeline will be accessed through the existing street manholes.

Motion: Motion by President Kiser authorizing the Mayor to accept the proposal from Integrity Inspection Solutions, Inc. to repair a sanitary sewer pipeline in the area of Donna Drive and South Hawthorne Street in the amount not to exceed \$8,850.00. Motion seconded by Council Member O'Meara and approved unanimously.

4. Consider approving Resolution No. 489-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON AUTHORIZING THE MAYOR TO SIGN ALL APPLICATIONS, FUNDING AGREEMENTS, AND OTHER DOCUMENTS RELATING TO CITY OF MIDDLETON STORMWATER MASTER PLAN PROJECT (PROJECT). - Mr. Van Gilder

Mayor Rule called the item and Mr. Van Gilder presented the item. He stated that as a condition for the grant application for Stormwater Master Plan Project submittal this resolution needs to be approved.

Motion: Motion by Council President Kiser to approve Resolution No. 489-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON AUTHORIZING THE MAYOR TO SIGN ALL APPLICATIONS, FUNDING AGREEMENTS, AND OTHER DOCUMENTS RELATING TO CITY OF MIDDLETON STORMWATER MASTER PLAN PROJECT (PROJECT). Council Member O'Meara seconded the motion and approved unanimously by Roll Call Vote.

Kiser – Yes, Huggins – Yes, Murray – Yes, O'Meara – Yes.

5. Consider approving Resolution No.490-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON AUTHORIZING THE MAYOR TO SIGN ALL APPLICATIONS, FUNDING AGREEMENTS, AND OTHER DOCUMENTS RELATING TO CITY OF MIDDLETON STORMWATER SWALE EVALUATION PROJECT (PROJECT). - Mr. Van Gilder

Mayor Rule called the item and Mr. Van Gilder presented the item. He stated that as a condition for the grant application submittal for Stormwater Swale Evaluation Project this resolution needs to be approved.

Motion: Motion by President Kiser to approve Resolution No.490-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON AUTHORIZING THE MAYOR TO SIGN ALL APPLICATIONS, FUNDING AGREEMENTS, AND OTHER DOCUMENTS RELATING TO CITY OF MIDDLETON STORMWATER SWALE EVALUATION PROJECT (PROJECT). Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Kiser – Yes, Huggins – Yes, Murray – Yes, O'Meara – Yes.

6. Public Hearing: The City Council proposes to offer for sale, by public auction pursuant to Idaho Code § 50-1403, the foregoing real property. A portion of LEGAL DESCRIPTION TRACT #2 PROJ. NO. STP-1400(110) ROADSIDE PARK TO BOISE RIVER PATHWAY MIDDLETON, ID. KEY NO. 7662. The property would be sold at a public auction to the highest bidder. The date of the auction would be set by the city council, and the auction may be conducted by City staff or by contract with a private auction company. No bids would be accepted for less than the minimum declared value previously recorded on the record at a public meeting of the council on September 20, 2023. The minimum declared value was set at \$226,000.00. If no bids are received, the city council shall have the authority to sell such property as it deems in the best interest of the city. The terms of the sale would be governed by Idaho Code § 50-1404. The proceeds of the sale would be disposed of pursuant to Idaho Code § 50-1405. – Mayor Rule.

Mayor Ruled called the item and opened the public hearing at 6:07 p.m.

Mayor Rule gave a brief explanation of the subject property.

Mayor Rule opened the public comment at 6:09 p.m.

No comment

Mayor Rule closed the public comment at 6:10 p.m.

Council Discussion: City will identify the conditions of sale at the auction. The walking path will remain and the funds from the sale of property are not earmarked for any single project.

Mayor Rule closed the Public Hearing at 6:11 p.m.

Motion: Motion by Council President Kiser to approve Resolution No: 492-23: RESOLUTION OF THE MIDDLETON CITY COUNCIL AUTHORIZING THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS PARCEL #R33898010A0, MIDDLETON, IDAHO, BE OFFERED FOR SALE. Motion seconded by Council Member Huggins and approved unanimously by Roll

Call Vote.

Kiser – Yes, Huggins – Yes, Murray – Yes, O’Meara – Yes.

7. Consider Resolution No. 491-23 A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING A REVISED POLICY IN THE EMPLOYEE HANDBOOK REGARDING INSURANCE COVERAGE; AND PROVIDING AN EFFECTIVE DATE. - Ms. Crofts

Mayor Rule called the item and Ms. Crofts covered the proposed changes in the employee handbook. She stated she was not ready for Council to approve the changes yet. She needs to tighten some things up with the City Attorney, and also wants Council to be able to review the changes over the next couple weeks. She will bring the resolution back to Council at a future meeting.

No action taken.

Public Comments:

Jim Taylor: Comments on Handbook changes.

Mike Graefe: Thankful for the Candidate forum and those who organized it.

Mayor, Staff and Council Comments:

Council comments:

Murray: Can we consider getting laptops for Council instead of iPads?

Ms. Crofts: The city mailed out per state code the voter pamphlet regarding the referendum on “Liquor by the Drink”. About 31 residents returned the pamphlet to the city thinking they were casting a vote. The city is returning the pamphlets with a letter (attached) to the residents who did not blacken out their names.

Mayor Rule: Ruptured gas line could have been really bad. Want to thank Council member Murray for coming down to answer phones. Ms. Crofts, Ms. Reynolds and Mayor Rule all fielded calls from the public. He wants to thank everyone for their work to get things going again. And thankfully no one was seriously injured.

Adjourn: Mayor Rule adjourned the meeting at 6:51 p.m.

ATTEST:

Steve Rule, Mayor

Jennica Reynolds, Deputy Clerk
Minutes Approved: November 1, 2023



CITY OF MIDDLETON

P.O. Box 487, 1103 W Main Street, Middleton, ID 83644
208-585-3133 Fax (208) 585-9601
citmid@middletonidaho.us
www.middleton.id.gov



October 26, 2023

Dear Resident,

The City recently mailed a voter pamphlet regarding the Liquor by the Drink referendum that will be on the general election ballot on November 7, 2023.

The pamphlet stated the following:

"In this upcoming November 7, 2023, general election of the City of Middleton a referendum will be on the ballot asking the voters of the City of Middleton whether or not they wish to permit the sale of liquor by the drink in the City of Middleton. Idaho Code 34-1801B requires the City Clerk to send out a voter pamphlet with the ballot measure and fiscal impact statement. This pamphlet has been sent to you to meet that requirement."

This pamphlet was informational only. Your returning the pamphlet to the City does not constitute a vote for or against the referendum. Residents must vote at the election either by absentee ballot, or at the polls in person for their vote to be counted.

Please find enclosed the voter pamphlet you returned to the City.

Sincerely,

Becky Crofts

City Clerk



CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Temp – Return Service Requested

PHONE: (208) 585-3133



1813 *****AUTO**5-DIGIT 83644



**Please See Important Letter
On The Back.**



Hearing
Public Comment Sign In

~~Workshop~~
~~Comprehensive Plan~~
Ridley's Public Parking Lot

City Council Special Meeting- October 18, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
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9				
10				



Public Comment Sign In

City Council Item 2 (Resolution 486-23) - October 18, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Tyson Sparrow	211 N. Campbell	208-515-4221	
2				
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Public Comment Sign In

City Council - October 18, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	James L. Taylor	1052 Triumph Dr.	208-602-8994	
2	Tyson Spawson	211 N Campbell	208-515-4221	
3	MIKE GRAEFFE	1889 RACE WAY	208-527-6227	
4				
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1b

**MIDDLETON CITY COUNCIL
PLANNING & ZONING COMMISSION
JOINT SPECIAL MEETING – OCTOBER 18, 2023**

The Middleton City Council and Planning & Zoning Joint Special Meeting was called to order on October 18, 2023, at 4:08 p.m.

Roll Call:

Mayor Rule, Council Members Kiser, Huggins, Murray, and O'Meara were present. Planning & Zoning Commissioners Summers, Christiansen, Watkins, and Tremble were present. Commissioner Crofts was absent.

City Administrator Ms. Crofts, Planning & Zoning Official Ms. Stewart, and Deputy Clerk Ms. Reynolds were present.

Information Item:

1. Middleton Comprehensive Plan Workshop – Downtown Redevelopment Services LLC.

Mr. Ben Levenger led the workshop where input from Council, P&Z commissioners and the general public was taken regarding the vision and future of the City of Middleton and the surrounding area. No action followed.

Adjourn: Mayor Rule adjourned the meeting at 5:17 p.m.

Steve Rule, Mayor

Heidal Summers, Chairman P & Z

ATTEST:

Jennica Reynolds, Deputy Clerk

Minutes Approved by City Council: November 1, 2023

Minutes Approved by Planning & Zoning Commission: November 13, 2023

1c

MIDDLETON CANDIDATE FORUM SPECIAL MEETING – OCTOBER 17, 2023

The Middleton Candidate Forum was held on October 17, 2023. The forum began at 7:00 p.m. and ended roughly about 9:00 p.m.

Quorums for the Planning and Zoning Commission and City Council were present. No roll call was taken.

Planning and Zoning Chairman Heidal Summers and City Councilman David Murray led the forum.

No action was taken by any quorum present.

David Murray,
Middleton City Council

ATTEST:

Heidal Summers,
Planning & Zoning Chairman

Jennica Reynolds, Deputy Clerk
Minutes Approved by City Council: November 1, 2023
Minutes Approved by Planning & Zoning: November 13, 2023



City of Middleton, Idaho

Employee ~~Handbook~~ Policy Manual

~~Revisions~~ Adopted by Resolution 23-XX
~~September 20, 2017~~ October, 2023



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THE CITY OF MIDDLETON PERSONNEL POLICY

THIS PERSONNEL POLICY MANUAL IS NOT A CONTRACT. ALL EMPLOYEES OF THE CITY ARE “AT WILL” AND CAN BE TERMINATED WITH OR WITHOUT CAUSE, AND WITHOUT PRIOR NOTICE BY THE CITY. THE CITY COUNCIL MAY CHANGE THESE POLICIES AT ANY TIME, WITHOUT PRIOR NOTICE.



GENERAL POLICIES

B. INTRODUCTION TO PUBLIC EMPLOYMENT

The Organization in which you work: The City of Middleton (City) is a political subdivision of the State of Idaho, though it is not a part of state government. The Mayor and City Council are public officials elected by Middleton residents. The City Council serves as the governing body for the City of Middleton. The City Council has primary authority to establish a budget and policies for the City of Middleton. Some City employees are appointed by the Mayor and confirmed by City Council, and other City employees are typically hired through the advertisement and interview process. Some employees are “exempt” from the Fair Labor Standards Act (FLSA), which means they are not compensated for “overtime” hours worked. Other employees are “non-exempt”, ~~and~~ and are compensated for overtime hours worked.

The Mayor is authorized and responsible to administer and enforce these City policies and procedures on a day-to-day basis. The Mayor, department ~~heads~~managers, and other supervisors coordinate together to implement these policies and procedures.

C. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The City ~~of Middleton~~ is an equal opportunity employer and complies with the federal Civil Rights Act when making employment decisions. Alleged violations shall be brought to the attention of the Mayor, and if the allegation is against the Mayor, then brought to the attention of City Council.

D. VETERAN'S PREFERENCE

In the event of equal qualifications for an available position, a veteran who qualifies for preference pursuant to Idaho Code § 65-503 or as amended, will be offered employment first.

E. NEPOTISM/HIRING OF RELATIVES

No person shall be employed by the City ~~of Middleton~~ which would result in a violation of provisions found in Idaho Code, § ~~59-704-74-401~~, et seq., §18-1359, and as amended. The employment of the following persons is prohibited:

Person related to the Mayor, a City Council member, or a supervisor to which you report by blood or marriage within the second degree of consanguinity.

An employee whose relative is subsequently elected may retain his/her position as allowed in Idaho Code §18-1359(5).



F. SAVING CLAUSE

If any chapter, section, or portion of this policy manual is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these policies and procedures. If any portion of these policies and procedures are in conflict, the most recent amendments shall apply.





F. EMPLOYEE PERSONNEL FILES

2. Personnel Records

The City Clerk or City Administrator maintains personnel files, which contain information regarding an employee's hiring, performance, and separation of employment from the City. Within these personnel files will be kept all records of employee performance evaluation, employee statistics, and other relevant materials related to the employee's service with the City of Middleton. An employee's supervisor, Mayor or the employee him/herself may contribute materials to that employee's personnel file deemed relevant to the employee's performance and tenure. An employee may review all materials placed in his/her personnel file at any reasonable time. An employee may request a copy of that employee's personnel file. Personnel files shall not be removed from the premises except as necessary for City purposes.

Access to Personnel Files

It is the policy of the City to hold all employee files ~~confidential~~ confidential. Personnel files may be accessed and reviewed only in the course of official City business. Those authorized to access and review personnel files include the Mayor, City Clerk, and an employee may review their own file. The Mayor or City Clerk may authorize a department manager to access and review personnel files for employees whom he or she supervises. The Mayor or City Clerk may authorize a City Attorney to review personnel file(s).



~~It is the policy of the City of Middleton to allow limited access to an employee's personnel file. Personnel files may be accessed and reviewed only in the course of official City business. Those authorized to access and review personnel files include the Mayor, City Clerk, and an employee may review their own file. The Mayor or City Clerk may authorize a department head to access and review personnel files for employees whom he or she supervises. The Mayor or City Clerk may authorize a City Attorney to review personnel file(s).~~



RULES OF EMPLOYEE CONDUCT

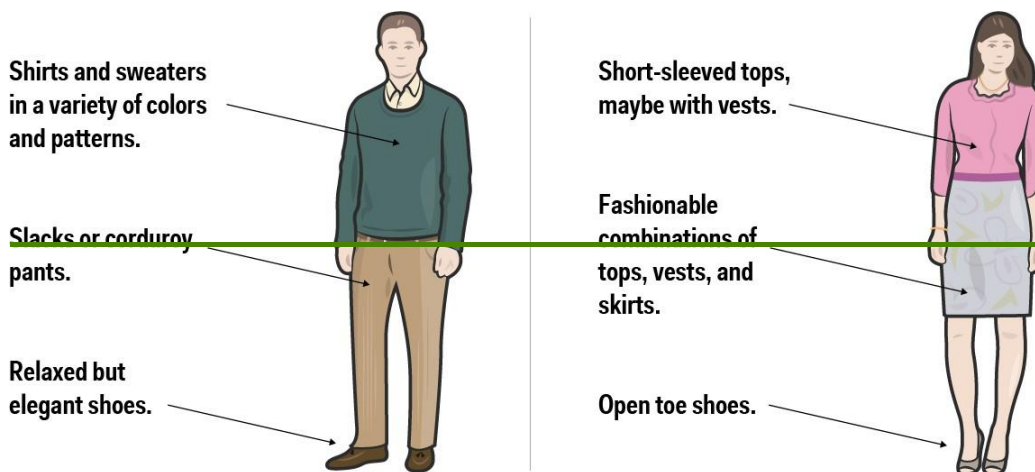
Violation of any of the rules set forth below shall be grounds for disciplinary action including possible termination- of employment. However, this list is not all-inclusive, and other acts of misconduct not specifically stated below- may be grounds for disciplinary action.

A. WORKPLACE CONDUCT

Each employee of the City of Middleton is expected to conduct himself or herself in a manner which does not reflect adversely upon the City. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of the City of Middleton as a public institution, each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions of the City of Middleton and its officials. ~~In order to~~ To accomplish City goals, each employee shall:

1. Be polite, fair, and friendly toward co-workers and others with an optimistic and willing attitude, displaying this in attitude and speech.
2. Work safely, ~~cooperatively~~ cooperatively, and constructively with co-workers and others to provide public service of the highest quality and quantity.
3. Be prompt and regular in attendance at work or other required functions. If an employee will be unable to report to work, or will be late, he or she must notify the supervisor as soon as possible, and at least 60 minutes ~~always~~ before the scheduled starting time. ~~If the supervisor is unavailable, the employee shall leave a message for the supervisor and notify the City Clerk. The message shall include the reason for being late or absent and a telephone number where the employee may be reached. If an employee's absence or tardiness is due to an emergency, please call in, or have someone call in on the employee's behalf, as soon as possible.~~
4. Comply with the City dress and grooming standards set by the Department Head/Manager, which ~~are~~ include:
 - a. ~~Clothing must be modest and professional. Clothing worn shall be clean and neat. Shorts and similar summer tank tops are prohibited, professional sleeveless shirts are allowed. Pants, skirts, and jackets should not have holes, tears or frays.~~

~~Employees working at city hall, and the library, must dress to the business casual standard (see below). Police officers should be in uniform or other approved attire while on duty. Public Works employees must wear closed toe shoes, and jeans without holes, stains or frays.~~



Appropriate business casual dress typically includes slacks or khakis, dress shirt or blouse, open collar or polo shirt, optional tie or seasonal sport coat, a dress or skirt at knee-length or below, a tailored blazer, knit shirt or sweater, and loafers or dress shoes that cover all or most of the foot. All employees are expected to comply with standards of dress, as set by the department director.

b. The City Building Official, Code Enforcement Officer, Building Inspector and ~~employees in the~~ public works department field staff shall wear outer clothing displaying the City logo. ~~uniform shirts shall have a collar; a~~ All clothing displaying the City logo is provided by the City, is property of the City, and shall be returned to the City upon separation from City employment. ~~;~~

f.c. Police officers should be in uniform or other approved attire while on duty.

~~g.~~ ~~Temporary employees assigned to the public works department shall wear outer clothing displaying the City logo; collared shirts are not required; and all clothing displaying the City logo is provided by the City, is property of the City, and shall be returned to the City upon separation from City employment;~~

h.d. Hats and other head-cover may be worn ~~if they are in good taste, clean, and do not show undue wear as provided by the City or as approved by the department~~ director ~~head manager~~ and are appropriate to the work environment. ~~;~~

i.e. Foot-wear shall be professional and appropriate for the position; for employees in the building, police and public works departments, footwear shall be in good condition and cover the entire foot; ~~for employees in all other departments, flip-flops and tennis shoes are prohibited unless authorized by the Mayor;~~

j.f. Men's hair is to be clean and trimmed such that it does not extend below the shirt collar; sideburns are to be neatly trimmed and not extend below the earlobe; full beards and goatees must be neatly groomed and not be longer than one inch in length; ~~are prohibited, however goatees may be worn if not longer than one half inch in length;~~ mustaches may be worn if neatly trimmed and do not extend beyond the corner of the mouth. ~~;~~

g. Body piercings ~~Except traditional earrings, Body jewelry, spacers, retainers or plugs except~~



~~traditional earrings are prohibited in any body piercing while in the work environment; and.~~

~~k.h. Offensive Tattoos determined by the department headmanager to be offensive shall should be coveredcovered.;~~

~~l.i.~~ Employees' personal hygiene shall be clean.



5. The City does not prohibit an employee from working elsewhere as long as the employment does not conflict with or detract from his/her City responsibilities and the employee continues to be productive and meet established performance standards. The employee shall ~~Dedicate~~ dedicate primary efforts to City of Middleton employment. Each employee shall notify in writing the ~~Mayor~~ department ~~director~~ head manager of any other employment, self-employment or other business interests. Secondary employment should not conflict with duties performed for the City in any significant way.
6. Avoid conflicts-of-interests in appointments and working relationships with other employees, contractors and potential contractors in Middleton and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-301 et seq. (Ethics in Government Act), I.C. §74- 201 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
7. Not release confidential information or other public record without authorization from the Mayor or City Clerk.
8. Not engage in conduct away from work which, whether civil or criminal, may reflect adversely upon Middleton or its officials or otherwise impair the employee's ability to perform job duties.
- ~~9. Not engage in conduct when operating a motor vehicle that impairs the ability of the employee to perform job functions even though the driving conduct does not involve a City vehicle or occur during hours of employment.~~
- ~~10.9.~~ Give his/her best efforts to accomplish his or her job.
- ~~12.10.~~ Properly use and care for City property to assure that the public investment in equipment is protected.
- ~~14.11.~~ Perform duties in the employee's job description and as assigned by the supervisor.
- ~~16.12.~~ Comply with all local, state and federal laws.
- ~~18.13.~~ Immediately Report report work-related injuries, accidents regardless of their extent or nature involving an yourself or another employee. ; Report unsafe working conditions, the need for maintenance or repair of vehicles or equipment and unsafe or suspicious employee behavior promptly to supervisor or ; department head manager directorhead, Mayor or City Clerk.
- ~~19.14.~~ Cooperate in gathering information relating to any job-related accident, or workplace hazard, or co-worker conduct.
15. Keep their general work area clean and orderly, including City vehicles. While the City employs custodial services to maintain larger areas, individual employees are responsible for the neatness of their



own work areas.

~~20.16.~~ City property, including computers and electronic devices, shall be used for work-related functions only. ~~Employees shall provide their passwords in writing to the City Clerk. The City uses certain group passwords that are consistent for devices such as phones, tablets etc. Employees shall not change group passwords or lock screens. Employees are prohibited from adding personal “apps” to City owned devices without prior approval. Streaming music, videos or accessing personal information including social media sites on a City provided electronic device is prohibited.~~

~~21.17.~~ Maintain a current driver’s license when necessary for an employee to perform his or her job duties. Driver’s license information shall be provided to the City suitable to perform status checks. (License number, name as listed on the license.)

~~b.a.~~ Each employee must report to their supervisor any state-imposed driving restrictions.

~~d.b.~~ No sign other than the City logo, including bumper stickers, shall be placed on any City owned vehicle.

~~e.c.~~ Each employee shall immediately notify their supervisor of any citations received while driving a City vehicle.



B. PROHIBITED WORKPLACE CONDUCT

The City functions in an environment which emphasizes the importance of quality and reliability. As such, the City expects each employee to contribute to the quality and reliability of the City's services within the scope of his/her job responsibilities. Failure to meet this standard of performance may be the basis for adjustment in compensation or disciplinary action, up to and including termination. The following list of prohibited workplace conduct is representative, not exhaustive. Employees shall not:

- 1.a. Be present in the workplace under the influence of prescription medication, drugs, alcohol, illegal substances, or other substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of others. ~~No employee should be absent from work because of such conduct, even though such conduct does not occur during regular work hours.~~ Any violation of this policy may result in disciplinary action up to and including termination.
- 2.b. Use substances, lawful or unlawful, which may impair the employee's ability to perform job duties. As the abuse of alcohol or any other drug is a serious threat to both personal health and job performance, employees are strictly prohibited from possessing, selling, consuming, or being under the influence of alcohol or drugs, except as authorized by a health care provider, while on the job. Smoking, vaping and use of tobacco products is prohibited in all City-owned buildings and vehicles. Smoking, vaping or tobacco use by employees is permitted only during rest or meal periods, ~~and only~~ outside of City-owned vehicles, and at least twenty (20) feet away from buildings at least twenty (20) feet away from entrances.
- 3.c. Engage in angry, rude or abusive language or conduct with others, including but not limited to false, argumentative, combative, snide, profane, sarcastic, impolite, condescending, loud, uncivil, disrespectful, critical, condemning, and/or harassing behavior.
- 4.d. Engage in insubordination – refusal to follow authoritative direction or instruction.
- 6.e. Engage in sexual harassment – Any conduct that is sexual in nature and is made explicitly or implicitly a term or condition of employment, promotion, termination, or any other employment decision, or interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

There are two types of sexual harassment:

- b) “Quid-pro-quo” harassment, where submission to harassment is used as the basis for employment decisions, for example: employee benefits such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances. Therefore, only someone in supervisory capacity can engage in quid-pro-quo harassment.
- e) “Hostile work environment,” where the harassment creates an offensive and unpleasant working environment, for example: hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact.



Cartoons, drawings, or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into



this category. Hostile work environment can be created by anyone in the work environment, whether by supervisors, other employees, or the public.

7.f. Sleep or be absent from the employee's workstation when on duty. Employees shall be attentive to their work at all times.

8.g. Engage in malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; willfully interfering with another employee's work output or encouraging others to do the same.

9.h. Use work time for personal business including but not limited to the following actions: selling goods or services, or voicing religious, political, or social views to others during the workday.

10.i. Loan City vehicle(s) or equipment to another without authorization from the Mayor.

12.j. Unless undertaken according to law and with City Council approval, destroy a City record or alter, falsify or steal a City record.

13.k. Discriminate against any class protected by federal civil rights acts, ~~i.e., race, color, age, religion, gender, pregnancy, citizenship, familial status, disability, or veteran status.~~

14.l. Abuse employee benefits ~~by taking unjustified sick leave, unearned vacation,~~ or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not earned according to City policy.

15.m. Be absent from work without prior approval. Employees must obtain prior permission for ~~vacation, sick,~~ Paid Time Off (PTO), bereavement, or other types of leave.

16.n. Engage in prolonged visits with co-workers, children, friends, or family members, salespersons or others not related to City business, whether in person, over the telephone or in an electronic manner, including email, personal texting and ~~instant messengers~~ social media, or engage in any personal endeavor which interferes with work performance.

o. Engage in criminal conduct of any kind, while on or off duty. Employees are expected to behave in a lawful and ~~socially acceptable~~ socially acceptable manner. Any employee who drives City vehicles and is convicted of any felony or misdemeanor moving violation will be subject to discipline, demotion or termination.

p. Fighting, provoking a fight, or threatening physical violence toward another person while on duty, or performing City business or representing oneself as a City employee.

17.q. The presence of children in the workplace with an employee during the employee's workday is inappropriate and is to be avoided. This policy is established to avoid disruption in job duties of the employee and co-workers, reduce property liability, protect the child from possible injuries and help maintain the City's professional work environment. Should a situation arise that makes it necessary for an employee to bring a child to work, the employee must get prior approval from his/her supervisor and department manager. This approval should be intended for emergency



situations.

G. RELATIONSHIP POLICY

~~2.~~ No employee shall hire, ~~supervises~~supervise, or otherwise exercise discretion concerning a paid employee who is related by blood or marriage within the second degree of affinity of consanguinity (I.C. §18-1359).

Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her department manager or appointed official of the existence of any such relationship and efforts will be made to eliminate supervisory responsibility and/or reporting. If employees marry, become related in an “immediate family” relationship, or begin sharing living quarters with one another with the intention of forming a domestic relationship, and in the City’s judgment, the potential problems noted above exists or could exist, only one of the employees may be allowed to remain in the same department or division. Where possible, one or both of the affected employees will be given the option to transfer to another position in the City for which he/she is qualified. Where transfer is not an option, one of the affected employees will have to resign or be terminated. The affected employees may be given the opportunity to decide between themselves which employee will transfer or resign. The decision must be made within thirty (30) days of the date they marry, become related, or begin sharing living quarters with each other. If no decision is made during this time, the Mayor will make the decision based on the best interests of the City.

~~0. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate.~~

E. CANDIDACY FOR ELECTIVE OFFICE

While the City of Middleton recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when



balancing the right of the individual to become a candidate for office and the City's interests in promoting the efficiency of the public services it performs through its employees. (*Pickering v. Board of Education*, 391 U.S. 563, 88 S.Ct. 1731 (1968).

If an employee initiates candidacy against an incumbent elected official for whom the employee is subordinate, and there is a reasonable prediction of disruption in the workplace, the employee must immediately resign or face possible termination.

A “reasonable prediction of disruption” is based upon the following factors:

- ~~2.a.~~ The size of the office in which the employee works—the smaller the office, the greater prediction of ~~disruption;disruption.~~
- ~~3.b.~~ Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater prediction of ~~disruption;disruption.~~
- ~~4.~~ Whether the employee candidate is running for position in which he/she would replace or become superior to his/her current supervisor—in such circumstances, the greater prediction of disruption ~~or~~
- ~~c.~~
- ~~d.~~ The nature of the relationship between the employee candidate and the incumbent, and the degree of contact they have with one another—the greater the amount of contact and interaction, the greater the prediction of disruption.

Not all of the above factors must be met in order to seek resignation or termination of the employee.

If the official determines that there is a “reasonable prediction of disruption” and the employee refuses to resign, he/she may be terminated. The official should set out, in writing, the factual basis for finding that there is a “reasonable prediction of disruption” using the above factors, and provide a copy to the employee, and place a copy in the employee's personnel file.

~~F.~~ DISCRIMINATORY WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

~~1.~~ PURPOSE

The purpose of this Harassment Policy is to clearly establish the City's commitment to provide a work environment free from unlawful harassment, to define discriminatory harassment, and to identify the procedures for investigating and resolving complaints of harassment.

It is important that all employees treat all others with decency and respect. Inappropriate behavior which impacts the workplace, or has the potential to impact the workplace, will **not** be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

~~2.~~ POLICY



Harassment of an applicant for employment or an employee on the basis of race, color, religion, national origin, sex, age (40 and over), pregnancy, disability, or veteran status (Protected Classes) is violation of state and/or federal law.

Employees found to be participating in any form of employment-related unlawful harassment or retaliating against another employee for filing a complaint or cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

3. RESPONSIBILITIES

The City: It is the responsibility of the City to develop and update this policy, provide training to employees on this policy, and to respond to any violation of this policy brought to the City's attention.

~~The Mayor and City Clerk will each be referred to as a "Designated Official."~~

Designated Official: It is the responsibility of a Designated Official to enforce the policy, to train new employees on the policy, to make a regular review with all employees to ensure they know the policy and to regularly check the workplace to make sure the policy is being followed.

The Mayor and City Clerk will each be referred to as a "Designated Official."

Employees:

If an employee observes that unlawful discrimination, harassment, or retaliation is occurring, he/she should immediately report the action to the ~~Mayor or City Clerk~~ Designated Official. The Designated Official should investigate the circumstances by speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, speaking with others with knowledge of the circumstances, and taking corrective or disciplinary action as appropriate. No complaining party should be allowed to retract an allegation of unlawful harassment without providing that it was made erroneously.

~~Employees:~~ It is the responsibility of each employee to know this policy and to follow it. Employees share the responsibility of understanding and preventing discrimination and harassment. Individuals who believe they have been discriminated against or unlawfully harassed have the primary obligation of informing the Designated Official of the act of discrimination, unlawful harassment or retaliation, recounting specific actions or occurrences whenever possible.

4. DEFINITIONS

As used in the City policy, the following definitions and examples apply and provide guidance.

- a. **Verbal Harassment** – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments referring to a Protected Class whether made in general, or directed to an individual or group, regardless of whether the behavior was intended to harass. For example: ~~sexually-oriented~~ sexually oriented comments, rumors, code words, stories, jokes, "kidding," etc.

at:



- b. **Physical Harassment** – Assault, impeding or blocking movements that restrain, leering, or the physical interference with normal work, privacy or movement when directed at an individual who is a member of a Protected Class. For example: touching, pinching, patting, grabbing, etc.
- c. **Visual Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mail, notes, bulletins, drawings, or pictures referring to a Protected Class on either City or personal property in the workplace.



5. COMPLAINT PROCEDURE

The following complaint procedure will be followed in order to address a complaint regarding harassment, discrimination, or retaliation:

- a. A person who believes he/she has been harassed or discriminated against should report it to the Designated Official. Once a complaint is received, it cannot be withdrawn by the complainant without a determination that it was made erroneously.

- ~~e.~~b. Promptly upon receiving a complaint, the Designated Official should make inquiries to determine whether there is a reasonable basis for believing that an alleged violation of this policy occurred.

- ~~e.~~c. The Designated Official, in conjunction with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.

- ~~g.~~d. The investigator will interview the complainant, the respondent, and any relevant witnesses to determine whether and how the conduct occurred.

- ~~i.~~e. As soon as practical, the investigator will conclude the investigation and submit a report of his or her findings to the Mayor.

6. DISCIPLINARY ACTION

If it is determined that harassment or discrimination has occurred, the Mayor will take disciplinary action, and notify the party of the action taken. The action should -be commensurate with the severity of the offense, up to and including termination of employment. The Mayor should take into consideration the following factors when determining disciplinary action:

- ~~i.~~a. The severity, frequency and pervasiveness of the conduct;

- ~~iii.~~b. Prior complaints made by the complainant;

- ~~v.~~c. Prior complaints made against the respondent;

- ~~vii.~~d. Whether the circumstances are known by employees or others; and



~~i.e.~~ The quality of the evidence (first-hand knowledge, credible corroboration, etc.).

6. If the investigation is inconclusive, or it is determined that there has been no harassment or discrimination, but some other inappropriate conduct has occurred, disciplinary action should be taken, and the Mayor will notify the parties of the action taken.

7. RETALIATION

Retaliation in any manner against a person for filing a complaint for discrimination or harassment, providing information or assisting in an investigation, is prohibited.



8. FALSE COMPLAINTS

A discrimination or harassment complaint that is found to be false may result in discipline. This section is not intended to discourage employees from making complaints regarding discrimination or harassment. However, false complaints adversely impact the workplace and the career of the accused and will not be tolerated.

G. EMPLOYEE USE OF CITY VEHICLES

If an employee uses a City vehicle or uses their own vehicle while performing work duties, the following policies apply.

1. To use a City vehicle, the employee must have and carry with them a valid Idaho driver's license and provide a copy for their personnel file. If an employee uses their own vehicle for City business, evidence of insurance and a copy of their current driver's license must be kept in ~~employee's personnel~~employee's personnel file.
2. ~~Employee~~Employees must operate vehicle in a safe, courteous, and lawful manner.
- 4.3. Employee may not use City vehicles for personal use, including but not limited to errands and travel to and from employee's home, unless authorized by the Mayor, City Clerk or ~~Public Works Foreman~~Department HeadHead Manager.
- 5.4. ~~Employee~~Employees must maintain the vehicle in proper working order.
- 7.5. Employee must promptly notify ~~and the Mayor, and the City Clerk or Department Head~~HeadManger of any citations for moving ~~violations or accidents~~violations, accidents, or damage to City vehicles or caused by the operation of City vehicles.

H. COMMUNICATION SYSTEMS AND DEVICES

2. Employees have no privacy rights in City communications systems or devices, and communications may be monitored or subject to public records requests. Employees expressly waive any right of privacy in anything created, stored, sent, or received on City communications system or devices.
3. Employees shall provide the City with all passwords used on City communication systems or devices.
5. Copyrighted and trademarked material that does not belong to the City of Middleton may not be transmitted by employees on the City e-mail or Internet systems without permission from the holder of



the copyright or trademark. Every employee who obtains access to materials must respect all copyrights and trademarks and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy for reference only.

I. DRUG TESTING

The City has an interest in maintaining safe, healthy and efficient working conditions for its employees. Drug and alcohol possession or use imposes serious safety and health risks to the employee and others in the workplace.

Pre-Employment Screening:

1. -The City may require pre-employment screening practices designed to prevent hiring individuals who use illegal drugs. A drug testing consent form is required for all applicants and employees.



Drug and Alcohol Screening:

2. The City may require a blood test, urinalysis, hair follicle sampling, ~~or~~ other drug or alcohol screening of those persons suspected of using or being under the influence of a drug or alcohol or where circumstances or workplace conditions justify it. An employee's consent to submit to such a test is required as a condition of employment and the employee's refusal to consent may result in disciplinary action including termination, for a first refusal or any subsequent refusal.



EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

B. EMPLOYEE CLASSIFICATION

Employment Status

City employees are considered “AT WILL” and may be terminated with or without cause absent prior notice. None of the City’s employee classifications create- guaranteed permanent employment status for any City employee. The employee classification and statuses are outlined below:

1. Full-Time Permanent Employee: Regularly scheduled Employees-employees whose typical work schedule is at least 40 hours during each seven (7) calendar-day payroll period.
 2. Part-Time Employee: Regularly scheduled Employees-employees who are ~~-not -temporary -and~~ whose ~~-typical -work schedule -is~~ less than ~~40-39~~ hours during each seven (7) calendar-day payroll period. ~~Such persons are considered “employees” but do not receive benefits of permanent full time employees. Part-time employees working at least 20 hours per week must participate in PERSI.~~
 3. Temporary (Seasonal) Employees: Employees whose maximum work period under PERSI regulations is less than five consecutive months. ~~Temporary employees do not receive benefits.~~
 4. Elected Officials: Elected officials are not considered regular employees. ~~Elected officials receive employment benefits by action of the City Council.~~
- 4.5. Contract Employees: Independent contractors are not employees of the City.

C. COMPENSATION

2. Salary Administration

The City Council adopts an annual budget and the Mayor establishes salaries within the budget. Salaries are subject to the annual budgetary process and may increase, decrease, or remain the same ~~-for any time period.~~ Salaries are typically reviewed around budget time. The City may adjust salaries during the course of the budget year in order to manage cash flow or to deal with other circumstances.

An employee’s rate of pay is based on an assessment of the position, training, experience and the market for similar jobs. Changes in the wage rate or salary are dependent upon City budget considerations as well as each individual employee’s job performance. Performance considerations include pace, productivity, recognition of things that need to be done ~~and doing them without being asked,~~ and display of a willing and optimistic attitude, and good work ethic.

3. Right to Change Compensation



The City of Middleton reserves the right to change general compensation for any reason deemed appropriate by the City. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent entity budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as workload changes.

4. Fair Labor Standards Act

In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the Federal wage and hour law which governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of this law because they hold positions which are professional or primarily executive or administrative in nature. As such, exempt employees are not required to receive overtime pay for hours worked beyond the limits provided by the statute. Employees who serve as sworn law enforcement officers and as fire fighters will be subject to special exceptions found in the FLSA (See 29 U.S.C. §207K). Please contact the department supervisor or the office of the Mayor for further clarification of FLSA status.

According to the federal Fair Labor Standards Act (FLSA), only actual hours worked by police officers in excess of 171 hours per 28-day period, or by other ~~city~~ City employees in excess of 40 hours per week, are computed for purposes of determining hours worked for overtime calculation. Pay for overtime hours worked will be calculated at a rate of one-and- one-half hours for each overtime hour worked. Therefore, the City will not count Annual Leave or any other time for which an employee is compensated but does not actually perform work when computing hours worked in a work week.

5. Overtime Compensation/Compensatory Time Policy

No employee shall accumulate overtime hours without prior authorization from his or her supervisor. The City has the discretion to either accrue Compensatory Time (“Comp Time”) in lieu of payment for overtime hours worked by regular non-exempt employees or pay for overtime hours worked. This policy does not create any contractual rights.

- a. Accrual: Comp Time will accrue at a rate of one and one-half hours for each overtime hour worked. “Comp Time” means time off granted to a regular non-exempt employee to offset overtime hours worked by the employee. Time reports of the employee showing overtime hours accrued as Comp Time should be signed by both the employee and the supervisor as an agreement between the two that the employee will be taking Comp Time in lieu of overtime pay. Comp Time can be accrued at a maximum of 40 hours per calendar year and must be used in that same calendar year.

- ~~b. Utilization: Comp Time accrued must be utilized (redeemed) at a time mutually agreeable to the employee and City. This time will also be utilized~~ with the least amount of disruption to the City’s processes. Use of Comp Time must be approved in advance by the City department manager. Comp time shall be used prior to the use of any other accrued leave time. Upon employment separation, an employee shall be paid for unused Comp Time.

b.



On-Call Compensation

A public works employee who is required to carry the “on-call cell phone” during non-regular business hours, waiting to be engaged, will be compensated \$125.00 per day. During this time the employee shall be fit for duty and available to be enroute to the City within 30 minutes of notification. In addition, when the employee is engaged, i.e., solves a problem over the phone or is called out to perform service (service call), the employee should record actual time on the time sheet and will be compensated for actual time based on the employee’s hourly rate or overtime rate for the total hours worked during that work week. Travel time between an employee’s home and work shall not be considered hours worked whether the employee is on-call or called-in. The fact that an employee is driving a city vehicle commuting to and from home and a job site is not a basis for determining that commuting time is hours worked. Hours worked begins when the employee actually begins performing principal work duties and ends when the employee stops performing principal work duties. “Actual time” includes time traveling to and from the service address when inside city limits.

“Call Back Time” Policy

Call Back Time shall be applicable for ~~for~~ Public Works field ~~S~~staff responding to an urgent and unscheduled matter at the request of their supervisor when the emergency occurs after the scheduled shift has ended or started. ~~more than one hour outside of their regularly scheduled work hours and~~ Call Back Time will be compensated at a ~~“time and a half” rate~~ rate of one and one half hours for each hour worked outside of their normally scheduled work hours. Staff may be released from the response event at any time and for any reason by the response lead.

Staff already assigned “on-call” status and entitled to the daily stipend, ~~would be~~ are exempted from receiving “Call back” hours and ~~would be~~ are paid according to existing policy which would include overtime for time worked in excess of 40 hours.



Call Back” status would apply in the following instances:

Individuals are responding to an urgent and unscheduled matter at the request of their supervisor.

The response necessitates the staff being on-site:

one hour after their scheduled work shift ends, or

one hour before a scheduled shift begins.

Callback hours would be in effect one hour after the end of a scheduled work shift.

“Call back” hours extending more than 4 hours prior to a regularly scheduled shift will end when the employee is released from the response event for a rest break. Call back hours extending less than 4 hours will end at the beginning of their next scheduled shift.

Responses anytime on a weekend or City holiday unless the employee was previously scheduled to work that day or is otherwise designated to be on call.

Staff may be released from the response event at any time and for any reason by the response lead.

8. On Call Compensation



~~An public works employee who is required to carry the “on-call cell phone” during non-regular business hours, waiting to be engaged, will be compensated \$15.00 per day. During this time the employee shall be fit for duty and available to be enroute to the City within 30 minutes of notification. In addition, when the employee is engaged, i.e., solves a problem over the phone or is called out to perform service (service call), the employee should record actual time on the time sheet and will be compensated for actual time based on the employee’s hourly rate or overtime rate for the total hours worked during that work week. “Actual time” includes time traveling to and from the service address if applicable when inside city limits. For example, if an employee is called for service and lives outside city limits, time accrual will begin when the employee is inside city limits and ends when the employee leaves city limits to return home~~

14. Reporting and Verifying Time Records

It is the responsibility of each employee to properly and accurately record time that he or she has worked during a payroll period. Each time sheet ~~shall bear the signature~~when electronically submitted of the employee as a statement ~~verifying of~~ its accuracy and ~~a counter signature~~should be verified by a supervisor indicating that the hours claimed were actually worked. Employee electronic or paper time sheets must be ~~signed and~~ submitted to the Treasurer no later than 9:00 a.m. ~~than~~ the Monday- preceding payday.

15. Hours of Work and Work Periods

The work week for all employees begins at 12:00 a.m. (midnight) on Saturday each week and concludes at 11:59 p.m. the succeeding Friday.

Regular city business is conducted between 8:00 a.m. and 5:00 p.m. Monday through Friday. However, some departments within the City have different work periods and work hours as determined by the Department Manager.

~~The work week for all employees begins at 12:00 a.m. (midnight) on Saturday each week and concludes at 11:59 p.m. the succeeding Friday.~~

Department managers have the discretion to set employees regular schedules which include appropriate breaks and lunch periods based on workload, operational demands, customer service needs, staffing requirements and any applicable law(s).



Every employee shall have designated work hours that will include at least ½ hour unpaid lunch break. Sworn police officers are not subject to the ½ hour unpaid lunch break because they are required to respond.

17. Payroll Procedures and Paydays

Employees are paid every two weeks throughout the year. Paychecks are issued by the office of the Treasurer on the Friday following the end of the pay period. Paychecks are to be available at the workplace by noon on payday.

18. Compensation while serving on Military or National Guard Duty

Employees serving military or national-guard duty are paid \$50.00 per day for regularly scheduled work days missed because of the military or national-guard duty schedule.

19. Compensation while serving on Jury Duty

If an employee receives a jury summons or a summons to appear as a witness in a court proceeding, the employee should immediately advise his/her supervisor so arrangements can be made to accommodate their absence. In recognition of the employee's responsibilities as a citizen, the City will compensate the employee at their regular hourly rate for the time served~~In recognition of the employee's responsibilities as a citizen, leave will be granted to full-time employees called to jury duty or to serve as a court witness. The City of Middleton will pay the difference between the income that the employee would receive from an eight-hour work day and the compensation received as a witness or juror, excluding mileage compensation, even as a juror during long trials.~~

If employees are dismissed from jury duty before the end of the workday, they must report to their supervisor for instructions on whether to return to work for the remainder of the workday. The employee must present check documentation from the court to the City Treasurer to substantiate the claim for compensating pay.



10. Reduction in Force

Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and workload. The Mayor reserves the right to make any changes in work force or assignment of resources deemed to be in the City's best interests. Any employee who believes that he/she has been terminated or reassigned from his/her position as a result of unlawful discrimination may utilize the hearing procedures set out in the "Opportunity to be Heard – Assertions of Unlawful Discrimination and "Name-clearing Hearing"" section of this policy.

13. Travel Expense Reimbursement

An employee on City business shall be reimbursed for expenses incurred in completing his/her work-related assignment. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested. Travel by City or personal vehicle is determined by the City. Reimbursement or advanced allowance for travel by privately owned vehicle is established by the allowable federal tax code rate at the cost per mile from City Hall to the function destination. The City will not pay for entertainment not included in the function package.

The City ~~pays per diem~~ reimburses for ~~meals-meal costs~~ while traveling at the following rates:

~~\$10.00~~ 15.00 for breakfast,

~~\$10.00~~ 25.00 for lunch, ~~and~~ and

~~\$20.00~~ 40.00 for dinner.

~~The City will pay for lunch and dinner on the day of departure, and will pay for breakfast and lunch on the day of return.~~

16. Compensation for Travel Time for City Business

B) On occasion, City of Middleton non-exempt employees may be required to travel overnight on City-related business. The City compensates employees when travel time is considered "work time" and therefore must be paid.

~~B)~~ Time that is considered work time includes:

A) _____

1) Attendance at a city-authorized event, including travel time to and from the



event. "Attendance" begins thirty minutes prior to event start time and ends at the event completion time shown on the agenda, including evening meals/activities. If the event agenda includes the meal time, then the meal time is also counted as attendance time.

1) _____

2) Participating in social activities that the City requires the employee to attend.

3) Time that is not considered work time includes:

1) Sleeping.

2) Traveling from home to a local airport, bus depot, or train station or vice versa.

4) The following documentation must be provided by the non-exempt employee to substantiate the calculation of compensable time:

1) Copy of event agenda.

2) Copy of travel itinerary (can be hand-written if driving using City vehicle).

3) Documentation of time spent outside of event attendance time if the time should be considered as compensable.

4) Receipts and reimbursement request (if applicable) for any travel-related expenses.

Non-Employees Accompanying Employees During Work-Related Travel:

5) -The City does not object to non-employees accompanying city employees to city-authorized events as long as there is no increase to travel, lodging, and meal costs paid by the City. Non-employees who accompany city employees to such events shall pay their own expenses. Non-employee passengers in a city vehicle are covered according to the city's vehicle insurance policy. Non-employees shall not drive or be in control of a city vehicle, except during an emergency when a city employee cannot drive or be in control of the city vehicle.

12. On-the-Job Injuries

All on-the-job injuries shall be reported to the supervisor as soon as possible to allow filing of worker's compensation claims in the proper manner. The City shall file the proper forms with the State of Idaho for potential worker's compensation benefits. The employee may continue to work as long as he/she is they are physically capable of performing the duties of her position and may shall return to work as soon as he/she is they are physically able as determined by the treating physician and the State Insurance Fund.

D. EMPLOYEE BENEFITS



The City of Middleton offers a number of benefits to permanent full-time employees. These benefits are subject to change or termination ~~in~~^{at} the sole discretion of the City Council. Each benefit is subject to the specific terms of its respective insurance policy and/or official resolution of the City Council. If a program is terminated and not replaced with comparable benefits, participants will be notified. In some cases, there may be a waiting period before coverage begins. The policy terms may also limit coverage or eligibility depending on the number of hours an employee works. For information on these, employees should review the documents in the benefit portal ~~the applicable policy~~ or contact the City Clerk or Mayor.

Paid Time Off (PTO)

Beginning October 1, 2023, sick and vacation leave accruals were converted to Paid Time Off (PTO). Prior to October 1, 2023, employees with high sick leave balances (above 120 hours) were given the option to “cash out” those balances.

1. ~~Annual Vacation Leave~~ Paid Time Off (PTO) accrual is based on the number of hours a permanent full-time employee works annually and is accrued per pay period (26 pay periods). Part-time employees, seasonal employees, and elected officials do not accrue PTO.

PTO shall not accrue when other types of leave are taken.

<u>Years of Service</u>	<u>2080 hrs/yr</u>	<u>2184 hrs/yr</u>	<u>Max Cap</u>
<u>Up to 60 Months (0 -5 years)</u>	<u>6.77 per pay period</u>	<u>7.10 per pay period</u>	<u>500</u>
<u>61-120 months (6-10 years)</u>	<u>8.31 per pay period</u>	<u>8.72 per pay period</u>	<u>500</u>
<u>121 months + (10+ years)</u>	<u>9.23 per pay period</u>	<u>9.69 per pay period</u>	<u>500</u>

<u>Years of Service</u>	<u>2080 hrs/yr</u>	<u>2184 hrs/yr</u>	<u>Max Cap</u>
<u>Up to 60 Months (0 -5 years)</u>	<u>6.77 per pay period</u>	<u>7.10 per pay period</u>	<u>500</u>
<u>61-120 months (6-10 years)</u>	<u>8.31 per pay period</u>	<u>8.72 per pay period</u>	<u>500</u>
<u>121 months + (10+ years)</u>	<u>9.23 per pay period</u>	<u>9.69 per pay period</u>	<u>500</u>

PTO must be scheduled in advance. An employee shall provide at least two days advance notice to their supervisor for non-emergency purposes and his/her request is subject to supervisory approval and department staffing needs. When an employee is unable to report to work due to personal illness or other emergency, the employee must contact their supervisor at least 60 minutes prior to the start of their scheduled work day. The City realizes that family emergencies may arise and employees are encouraged to schedule PTO when possible to avoid staffing issues. Unscheduled absences are strongly discouraged except in emergency situations.

Whenever possible, ~~vacations are~~ PTO is ~~scheduled~~ approved as requested by the employee, subject ~~only~~ to the City's needs in ensuring proper service coverage and ~~in~~^{when} balancing the various requests of employees or when a minimum PTO balance has not been maintained by the ~~employee~~. "Proper service



coverage" is defined as having two employees working in the at City Hall at all times, excluding the lunch hour. "Proper service coverage" as it relates to other departments shall be determined by the department supervisor. If a conflict arises between two employees in scheduling vacations a time off request, the employee who requested the time off first will receive priority so long as proper service coverage can be maintained.

It is expected that employees plan for and manage their PTO leave. Employees will be expected to hold adequate time in "reserve" for unexpected leave such as emergencies and illness. Employees with less than 40 hours PTO may not be granted approval for requested scheduled PTO leave.

An employee may be required to provide a doctor's note prior to the use of three or more consecutive days of unscheduled PTO leave.

a) — Accrual

The City provides paid vacation leave to permanent full time employees. Vacation leave accrues at the beginning of employment and is based on the fiscal year. Accrual is calculated as follows:

- i. — For up to five (5) years of continuous service; 3.08 hours per pay period;
- ii. — More than five (5) years but less than ten (10) years of continuous service; 4.62 hours per pay period;
- iii. — More than ten (10) years of continuous service; 5.54 hours per pay period.

Annual vacation leave shall not accrue during hours taken for other types of leave.

b) — Vacation leave may accrue in excess of the annual limit up to a maximum of one year's additional accrual. Vacation leave accrued in excess of the annual limit must be used prior to the beginning of the next fiscal year or will be forfeited.

If employment ends with the City either through involuntary termination or through resignation with proper notice, any earned accrued PTO up to 200 hours but unused vacation leave up to one year vacation accrual will be paid at 100% of the employee's current hourly rate.

Paid Time Off (PTO) Donation

An employee may donate accumulated PTO to another employee for immediate use. All transfers are final.



e) The employee receiving the donated PTO may only use PTO hours for the employee's own personal sickness, or that of a spouse/significant other, child, parent, or a spouse's/significant other's child or parent

~~d) Whenever possible, vacations are scheduled as requested by the employee, subject only to the City's needs in ensuring proper service coverage and in balancing the various requests of employees. "Proper service coverage" is defined as having two employees working in the City Hall at all times, excluding the lunch hour. "Proper service coverage" as it relates to other departments shall be determined by the department supervisor. If a conflict arises between two employees in scheduling vacations, the employee who requested the time off first will receive priority so long as proper service coverage can be maintained.~~

2. Holidays

The City recognizes U.S. Federal holidays as paid holidays, and observes those holidays according to the federal holiday schedule. All City offices and departments will be closed with the exception of those departments responsible for City approved functions, required operations and maintenance activities, and emergency services. ~~In addition, the City provides the following three paid leave days when they fall on a regularly scheduled work day: the day after Thanksgiving Day, the day before Christmas Day, and the day after Christmas Day.~~

~~Hourly employees are paid for holidays on the basis of the number of hours they normally work, without overtime.~~

~~In addition to holiday pay, if a permanent full time hourly employee is required to work on a holiday, the employee will receive 1.5 times the normal hourly rate for all hours actually worked on the holiday, even though the work does not constitute overtime. If a holiday falls during an employee's vacation, the holiday will not count as a vacation day.~~

Recognized Holidays:

New Year's Day — ~~Labor Day~~
Martin Luther King, Jr./ Human Rights Day — ~~Veteran's Day~~
Washington's Birthday/President's Day — ~~Columbus Day~~
Memorial Day
~~Juneteenth~~ — ~~Thanksgiving Day~~
Independence Day — ~~Christmas Day~~
Labor Day
Veteran's Day
Columbus Day
Thanksgiving Day
Christmas Day

In addition, the City provides the following three paid-leave days when they fall on a regularly scheduled work day.



Paid-Leave Days ~~-(w~~When ~~they~~ falling on a regularly scheduled work day):

Day after Thanksgiving
Christmas Eve Day
Day after Christmas

In addition, any day appointed by the President of the United States, or by the Governor of the State of Idaho, or the Mayor of Middleton for a ~~holiday~~holiday.

Holiday compensation:

Permanent full-time employees are paid for holidays on the basis of the number of hours they normally work, without overtime. In addition to holiday pay, if a permanent full time hourly employee is required to work on a holiday, the employee will receive 1.5 times the normal hourly rate for all hours actually worked on the holiday, even though the work hours would not otherwise qualify for overtime. -

Example:

- 8-hour a day, Monday through Friday work week. Employees receive 8 hours of holiday pay.
- 10- hour a day modified 4-day work week. Employees receive 10 hours of holiday pay.
When the holiday falls on a scheduled day off, the employee takes the prior day as the holiday.
- 12- hour (24-7 schedule) employees receive 12 hours holiday pay when the holiday falls on a scheduled workday. When the holiday falls on a day the employee is not scheduled it is compensated at 8 hours.

If a holiday falls during an employee's PTO, the holiday will not count as a PTO day.

Part-time, seasonal, -and elected officials are not eligible for holiday pay. If a part-time or seasonal employee is required to work a holiday they will be compensated for actual hours worked at 1.5 times the normal hourly rate.

3. Bereavement Leave

In the event of a death in the immediate family of an employee or employee's spouse the City allows permanent full-time employees ~~Up~~ to three (3) days of paid leave of absence ~~will be allowed for a death in the family.~~ The employee shall notify his/her supervisor as soon as possible prior to use of this leave and



request leave appropriate to the circumstances. Bereavement leave must be approved by the supervisor. If additional time is needed, the employee may use PTO as approved by the supervisor.

Immediate family shall be defined as ~~including in laws~~ a spouse, an employee's child, parent, sibling, grandparent, or grandchild by blood or marriage.

(~~spouse, parents, grandparents, children, grandchildren, brothers, and sisters~~). This time off may be used to arrange for and/or attend a funeral or memorial service and to attend to other family matters. Additional leave may be ~~granted~~ used from the employees accrued annual leave.

4. Disability Leave

The City of Middleton allows an employee who is disabled in such a manner that his/her return to work is anticipated, up to 60 work days unpaid leave for purposes of recovering from said disability. The employee may, at his or her option, choose to use ~~vacation and/or sick leave~~ PTO to receive pay as long as such benefits are available.

5. Leave of Absence

An employee may request in writing an unpaid leave of absence for up to fifteen (15) work days. The Mayor, after recommendation by the requesting employee's supervisor, may grant up to fifteen (15) days unpaid leave for any justifiable purpose when the employee's ~~vacation, sick~~ PTO, and other types of leave has been exhausted. Unpaid leave in excess of fifteen (15) days shall require written approval of the City Council.

During a leave of ~~absence~~ ~~absence~~, the employee is prohibited from using city property including vehicles, computers, cell phones etc.

6. Family Medical Leave Act (FMLA)

a. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

i.a. must have worked for the employer for at least 12 months;

ii.b. must have worked at least 1,250 hours for the employer during the previous 12 months; and

c. the employer must employ at least 50 employees.

iii. _____



b. ~~SS~~Since the City of Middleton does not employ at least 50 employees, the Family Medical Leave Act (FMLA) DOES NOT apply to its employees, and they are not entitled to 12 weeks of job-protected, unpaid leave.

7. Maternity Leave/ Adoption

The City ~~of Middleton~~ allows ~~pregnant~~ permanent full-time ~~City~~ employees up to one-hundred ~~twentysixty~~

(~~120~~160) hours of paid maternity leave, which begins on the birth or adoption date of the child. Additional time off related to the birth or adoption of the child may be taken in accordance with the annual leave policies in this manual. The employee may continue to work as long as she is physically capable of performing the duties of ~~her the~~ position and may return to work as soon as she is physically able as determined by ~~her the~~ physician. During the 160 hours of leave, the employee will not accrue PTO. If a holiday occurs during the paid maternity leave, the holiday will be compensated as part of the 160 hours of maternity leave. If the employee elects an additional leave through short term disability, the employee shall pay the applicable premium plus policy administrative fees to the City in order to maintain insurance benefits during the unpaid leave. The employee shall contact the payroll department to coordinate payment of benefits.

8. Paternity Leave/Adoption

The City ~~of Middleton~~ allows permanent full-time ~~City~~ employees up to forty (40) hours of paid paternity leave, which begins on the birth or adoption date of the child. Additional time off related to the birth of the child may be taken in accordance with the annual leave policies of this manual.

9. Insurance Coverage

The City ~~of Middleton~~ provides medical, ~~vision~~ and dental ~~insurance, and~~ insurance for permanent employees who work at least 30 hours per week. The City ~~pays will pay~~ 100% of the premium for the employee for permanent full-time employees, and 50% of the premium for the employees dependents ~~of employees~~. The employee can elect vision, life, accidental death and dismemberment, long and Short-Term Short-Term disability insurance and pays with 100% of the premium being paid by the employee. Elected Officials can elect ~~vv~~ Vision but are not qualified for life, accidental death and dismemberment, long and Short-Term Sshort-Tterm disability insurance.

Part-time and seasonal employees are not eligible for insurance coverage.



Insurance coverage begins on the first day of the month following the start of employment with the City. All coverage is subject to policy terms and ~~to~~ may change at any time. Medical and dental premiums are withheld a month in advance.

~~The City provides medical, vision and dental insurance to elected officials. If elected officials or full-time permanent employees~~ eligible for medical and dental insurance are covered by another insurance plan and choose not to participate in the insurance coverage, the City will pay the ~~elected official or employee-eligible employee~~ a monthly stipend of three hundred and eighty dollars (\$380.00 monthly stipend as approved by City Council). The City prefers providing insurance as described herein, but recognizes some ~~elected officials or employees of these eligible individuals~~ employees may already have insurance so it offers the stipend as an insurance-benefit-alternative in an amount less than what the City would spend for an ~~elected official's or eligible~~ employee's medical, ~~vision~~ and dental insurance premiums.

~~The City provides life insurance, and pays 100% of the premium for permanent full-time employees.~~

Worker's Compensation insurance covering job-related injuries is provided for all employees.

10. Retirement

You become a member of the Public Employees Retirement System (PERSI) as a qualified employee of the City. The City and employee make required contributions into PERSI that are processed through payroll. The employee is required to fill out the RS115 form at the start of employment. Additional employee contributions may be made through the PERSI Choice Plan. The retirement plan of the City of Middleton combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA). PERSI charges a percentage of an employee's gross salary, which is presently exempt from federal and state income taxes, and the City of Middleton matches this with an additional larger contribution.



~~11.~~ Sick Leave

~~The City provides paid sick leave to permanent, full-time employees. Sick leave benefits accrue at the rate of 3.69 hours per pay period. Sick leave shall not accrue during hours taken for other types of leave. Unused sick leave up to 480 (four hundred and eighty) hours may be carried over from one year to the next. Unused sick leave benefits are not paid to the employee upon termination of employment. Unused sick leave hours may be converted to vacation leave hours at a ratio of 4:1 (for example, 4 hours of sick leave may be converted to 1 hour of vacation leave).~~

~~An employee may donate accumulated sick leave to another employee for immediate use. All transfers are final.~~

~~The employee may only use sick leave hours for the employee's own personal sickness, or that of a spouse/significant other, child, or parent, or a spouse's/significant other's child or parent.~~

~~12.~~ Miscellaneous Miscellaneous Benefits

~~The City of Middleton offers the following benefits:~~

~~a. — Deferred compensation plans handled by payroll deduction;~~

~~b. — Employee requested deduction programs;~~

~~The City provides uniforms and equipment for~~

~~a. Police, police~~

~~— Inspectors, code compliance~~

~~b.~~

~~c. Public Works; field staff shall be provided Sshirts, sweatshirts, winter jacket, hat and personal protective equipment necessary or assigned duties, along with Ttools necessary for to complete assigned work tasks, officers, shirts for inspectors and the code enforcement officer, and shirts and tools for public works employees.~~



EMPLOYEE PERFORMANCE AND DISCIPLINE

A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

The purpose underlying the discipline/performance policy of the City of Middleton is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

The City of Middleton adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. The City of Middleton reserves the right to take any of the prescribed steps in any order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step.

C. DISCIPLINARY ACTIONS AVAILABLE

The following actions are among the disciplinary steps that may be taken by the supervisor in response to conduct inconsistent with this Policy:

1. Oral warning
2. Written warning or reprimand
3. Suspension without pay
4. Demotion
5. Dismissal

D. OPPORTUNITY TO BE HEARD – ASSERTIONS OF UNLAWFUL DISCRIMINATION AND “NAME-CLEARING HEARING”

All employees are at-will. However, an at-will public employee who has been terminated from employment, or demoted with a reduction in pay, based upon public allegations of *dishonesty*,



immorality, or criminal misconduct is entitled to a name-clearing hearing. Such an employee must request a name-clearing hearing in accordance with the requirements set forth below. Failure to properly request a name-clearing hearing shall constitute a waiver of this opportunity. No other post-employment hearing shall be afforded to any employee, except as set forth in this policy.

The procedure for the hearing is as follows:

1. Within fourteen (14) calendar days of termination or demotion with a reduction in pay, the employee may submit a written request for a name-clearing hearing, stating with particularity the basis for the requested hearing. The written request must be submitted to the Mayor/Head. Requests that are untimely submitted or that fail to state, with particularity, an appropriate legal basis for said request will not be granted. An employee will be promptly notified within fourteen (14) calendar days if a requested hearing is either granted or denied.
2. An employee granted a hearing will meet with the City Council in executive session. The hearing will not exceed one hour in duration.
3. An audio recording of the hearing will be made and maintained as part of the personnel record.
4. The employee's supervisor may provide a written statement at least twenty-four (24) hours prior to the hearing in response to the allegations and/or statements contained in the employee's written request for the name-clearing hearing. The City Council may require the employee's supervisor to participate in the hearing.
5. The employee will be provided an opportunity to present information related to the public allegations of dishonesty, immorality, or criminal misconduct. General discussions involving termination, demotion, or job performance, without allegations of dishonesty, immorality, or criminal misconduct are not the proper subject of a name-clearing hearing and will not be heard.
6. The City Council may ask questions during this process.
7. The Idaho Rules of Evidence do not apply to the hearing.

After the hearing, the City Council will consider the information submitted, and such other information as might be in the City's records, to arrive at a decision concerning the employee's allegations. The City Council's decision will set forth in writing the reasons for the City Council's determination and shall be issued no later than forty-five (45) calendar days from the date of the name-clearing hearing.

~~All City of Middleton employees are AT-WILL employees. However, the City of Middleton recognizes that even at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination. The City of Middleton also recognizes that a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is entitled to a "Name-Clearing" hearing. *Cox v. Roskelly*, 359 F.3d 1105 (9th Cir. 2004).~~

~~Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. The City of Middleton does not condone discrimination on the basis of foregoing unlawful categories.~~
FAILURE



~~TO PURSUE THIS OPPORTUNITY PURSUANT TO THIS POLICY SHALL CONSTITUTE A~~

~~FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY. Issues involving job performance or employee attitude are not the proper subject of this procedure and will not be heard.~~

~~The elements of procedure to be followed and undertaken at the direction of the appropriate administrative officer or designated officer, unless waived by the employee, are the following:~~

- ~~1. The employee may, within fourteen (14) days of his/her termination or demotion, submit a written allegation of unlawful discrimination or the basis for entitlement to a "name-clearing hearing," stating with particularity the basis for the requested meeting. Written allegations filed untimely or failing to state a particular, legally recognized basis will not be granted an opportunity to be heard.~~
- ~~2. An employee alleging unlawful discrimination or the entitlement to a "name-clearing hearing" will be entitled to meet with the designated person, and the meeting will last no longer than two hours unless otherwise approved.~~
- ~~3. There shall be a record maintained, including a tape recording of the meeting.~~

~~4. The employee's supervisor, to the extent of his/her knowledge, may be required to provide a brief written statement in response to the particular allegation of discrimination or "name-clearing" request. The Mayor may request that the employee's supervisor participate in the meeting.~~

~~5. The employee will not be prohibited from having an attorney assist him/her at the employee's own expense.~~

~~6. The employee will be allowed to present oral testimony (or provide written statements) concerning evidence upon which the alleged discrimination or "name-clearing" is based.~~

~~7. The Mayor may ask the employee's witnesses questions for clarification purposes should that be necessary during the discussion process.~~

~~8. The employee shall not have the opportunity to question any participants during this process, but may submit written questions for the Mayor to consider.~~

~~9. The Idaho Rules of Evidence do not apply to this opportunity to be heard.~~

~~The opportunity to be heard shall take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to respond to the charges. After the meeting, the Mayor or the responsible administrative officer shall consider the information submitted and such other information as might be in the City's records to arrive at a decision concerning the allegations. Said decision shall set forth the reasons for the determination in writing. If as a result of this opportunity to be heard, the Mayor finds fault with the basis for the City's action, remedial action may be prescribed, including restoration of employment and payment of back pay.~~



SEPARATION FROM EMPLOYMENT

REDUCTIONS IN FORCE

When financial circumstances or changes of workload require, the City may reduce workforce in such manner as it deems necessary.

RESIGNATION POLICY

If the employee wants his formal records to indicate “voluntary resignation”, they must do so in writing to the Mayor. _Oral resignations will be documented by the Mayor. Employees who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have abandoned their position and therefore resigned.

COBRA BENEFITS

Employees who currently receive medical benefits, who separate from their employment may be eligible to continue those medical benefits at the employee’s sole cost and expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Questions regarding COBRA should be directed to the City Treasurer.

EXIT INTERVIEW

Each employee who separates from employment with the City may participate in an exit interview with the Mayor and City Treasurer. In such an interview, the City shall notify the employee when certain benefits will terminate and when final pay will be issued. _The employee may inform the City about his/her impressions of employment in such an interview. _An employee exit form will be completed at this point and will be retained in the employee’s personnel file.

EMPLOYMENT DISCLOSURE

Occasionally, individuals seeking information on current or former employees will contact City staff. When a City staff member receives such contact, it is recommended that they forward the individual to human resources. The individual should be asked if he/she has a signed release from the current or former employee authorizing the release of information. If the individual says “no”, the only information allowed to be released is verification of the current or former employee’s job title(s), dates of employment, gross salary history, status, work place, and employing department (per Idaho Open Records Act, Section 9-340(36)). No other information can legally be released without expressed written consent of the current or former employee. Documentation of this contact shall be given to human resources.



If the individual says he/she has a signed release of information from the current or former employee, ask that a copy of the release be sent to the Human Resources Office to provide the requested information. City employees shall not provide reference or any other information about a current or former employee without the specific approval of the Human Resources Director. Employees who have received such authorization, and who provide information to individuals after receiving the signed release, shall document the information provided and submit it to human resources.



APPENDIX A
ACKNOWLEDGEMENT OF RECEIPT OF CITY OF MIDDLETON-
EMPLOYEE HANDBOOK

I, _____ acknowledge receipt of the City of Middleton Employee Handbook adopted by City Council on ~~September 20, 2017~~ October, ~~2023~~ October ~~2023~~.

☐ I understand that it is my responsibility to read and review this Policy.

☐ I understand that this Policy is NOT a contract and cannot create a contract and that I am an at-will employee of the City and can be dismissed at any time with or without cause.

☐ I understand that I am obligated to perform my duties of employment in conformance with the provisions of the City of Middleton Employee Handbook whether or not I choose to read the Handbook.

☐ I understand that should this Policy be modified, that I will be provided with a copy of the modification.

☐ I understand that this Policy may be provided to me in either paper format or by electronic access.

Dated this _____ day of _____, 20____.

Employee Signature

Print Name

City of Middleton Employee



I provided the copy of the City of Middleton Employee Handbook adopted by the City Council on ~~September 20,~~
~~2017~~October , ~~2023~~October 2023.

Signature

Print Name & Position

Name, Position
