

CITY OF NITRO
PERSONNEL POLICY HANDBOOK

ADOPTED BY NITRO CITY COUNCIL

REVISED POLICY APPROVED AND EFFECTIVE

July 19, 2022

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CITY OF NITRO

INTRODUCTION

The City of Nitro has prepared this manual to provide employees (Non-Police Officer and Firemen) with guidance about the policies, procedures and ethics, which apply to them. This handbook is subject to change by the City of Nitro and is not intended to be a contract, express or implied. It may not be changed, except in writing by the Mayor with City Council approval, verbal representations contrary to this policy are not binding upon the City of Nitro. It is a resource and guide for employees to refer to so that they can better understand and anticipate how the City of Nitro functions. The organizational charts and job descriptions for all of the departments have been adopted to give a general understanding of the administration for each department and the general duties and experience required for the positions in those departments. Employees may be assigned additional tasks and jobs not specifically listed on each category description.

REAFFIRMATION OF LOCAL GOVERNMENT POLICY

It is the policy of the City of Nitro not to discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, disability, creed, citizenship, veteran status or any other status or characteristic protected under applicable federal, state or local laws. The City will take affirmative action to insure that applicants are employed, and that employees are treated during their employment without regard to their race, color, religion, age, sex, national origin, disability, creed, citizenship, veteran status, or any other status or characteristic protected under applicable federal, state or local laws. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selections for training including apprenticeship.

AFFIRMATIVE ACTION POLICY STATEMENT

The General Statement of the Affirmative Action Policy and commitment contained in the City of Nitro's Affirmative Action Program, and Personnel Policy reads as follows:

"Appointment and promotions shall be made according to merit and fitness, and no persons in the employ of the City or seeking employment with the City shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his/her race, political and/or religious affiliation."

The City of Nitro is committed to the concept of Affirmative Action/Equal Employment Opportunity. Many factors in our society have had the effect of barring minority group citizens, women and those who are disabled from employment opportunities equal to those enjoyed by other citizens. Many of these factors are beyond the ability of a single employer, such as the City of Nitro, to remove. However, the City of Nitro has a

responsibility to take whatever action it can to remove barriers to equal opportunity/affirmative action and access to its facilities, which could, in fact exclude members of the community who are minority, women or disabled. This commitment will be supported by practical plans for action toward the employment of the disadvantaged, and promotional opportunities at all job levels. This is reflected in the Affirmative Action statement as follows:

“It is the policy of the City of Nitro to recruit, hire, train and promote employees without discrimination because of race, creed, citizenship, veteran status, religion, color, disability, sex, nation origin, age, ancestry or any other status protected under applicable federal, state or local laws.”

The term “Affirmative Action” can best be understood in relationship to “Equal Opportunity.” Equal is a condition, and affirmative action is the means by which the condition is achieved. Therefore, the mere passive prohibition of discriminatory practice is not enough to attain the principle of equal opportunity. It is the policy of the City to take affirmative action to remove any disparate effects of past discrimination. This policy applies to all levels and phases of this government’s personnel administration. Each department head and supervisor of the City will be held accountable for compliance with the Affirmative Action Policies of the City.

Therefore, it will be the policy of the City of Nitro to eliminate discrimination wherever possible on the basis of race, religion, sex, national origin, age, disability, creed, citizenship, veteran status or any other status or classification protected by applicable federal, state or local laws.

EQUAL PAY POLICY

It is the policy of the City of Nitro that all job classification and compensation decisions will be made in accordance with the Federal Equal Pay Act of 1963, as amended, to ensure that, both males and females performing substantially similar work shall receive equal pay when their jobs require equal skill, equal effort and equal responsibility as defined in the law. A provision of the Equal Pay Act permits the City to apply pay differential based on individual qualifications, merit and length of service.

DEFINITIONS OF “AT WILL” EMPLOYMENT STATUS

Unless stated otherwise in applicable laws or contracts, all employment with the City is “at-will.” This means the employee may resign at any time and the employer may discharge the employee at any time with or without cause, except as contained herein. This “at-will” arrangement may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by the Mayor of the City of Nitro. The different types of “at-will” employment with the City are listed below:

TYPES OF EMPLOYMENT

Probationary Period

There shall be a three (3) month working day probation, or working test period, which will include a full-time schedule. This probationary period shall be regarded as a period of adjustment for the new employee to his or her position and work assignment. It shall enable the supervisor to provide counseling regarding the new employee's work progress and to terminate employment if the employee's performance does not meet required standards. The immediate supervisor and /or the Mayor may have authorization to extend the probationary period an additional 90 working days if deemed necessary at the end of the first 90 working day period. Health insurance may begin the first of the month after results are received from the employment physical.

FULL-TIME

40 hours per week, 2080 hours per year

Regular Full-Time Employees are regularly scheduled for 52 weeks per year and have completed three (3) months of a satisfactory probation period of employment.

PART-TIME

An employee who is not full-time or temporary, is considered part time.

Employees hired or contracted for part-time employment may be considered for full-time employment if the supervisor recommends the part-time employee for full-time employment. The part-time employee shall also serve a 90-day probationary period before becoming eligible for full-time benefits and the effective hire date shall be day one of the probationary period if the employee is, in fact, approved for full-time employment.

Part-time employees are entitled to no benefits except if required by State law and as set forth below.

TEMPORARY

Temporary Employees are those who are hired for a limited time period not to exceed 120 consecutive working days and are entitled to no benefits.

APPLICATIONS AND EXAMINATIONS

A. Provisional Appointments

Whenever a vacancy occurs and it is deemed necessary to fill the vacancy on a provisional or acting basis until a permanent appointment is affected, the Mayor shall name such provisional appointee at a salary not to exceed the classification designated for the permanent appointment.

B. Employment of Relatives

An applicant for employment may be hired into a work unit if his/her qualifications meet the standards for the position available. However, if a relative is currently employed by the City, the new employee will not qualify for a position where a relative can influence working conditions, hours or wages.

C. Physical Examinations, Background Checks, and Drug Testing

Upon being made an offer of employment, all applicants are subject to a physical examination, background check and drug testing before beginning work.

D. Applications

In the event that a position becomes open within the City departments, an advertisement may be published for applicants to complete an application for employment. False or misleading information given in the application or in an interview may result in a decision not to employ an applicant. If the false or misleading information is not discovered until after the applicant has been employed, it may result in discharge.

E. Hiring Procedures

When a position is open within one of the departments, applications on file may be reviewed for qualified applicants. The City may issue an advertisement to receive additional applications for review at their discretion. All new employees, hired or appointed, shall attend an orientation interview with the department supervisor and will receive proper identification, keys, passes, uniforms, and other equipment required for the position. Receipt of all City-issued items will be acknowledged by signature of the new employee. The Mayor and/or the Human Resource Manager may work in conjunction with department heads to determine the filling of any position.

C.D.L. LICENSE AND DRUG SCREENING PROCEDURES

All employees of the Street Department if required by their job position, shall have a current Class "D" or C.D.L. License, if needed. To qualify for this license each employee must pass a physical examination and drug-screening test. If the drug-screening test is positive, the following action is required.

An employee cannot be licensed with a positive drug test or fulfill employment responsibilities without a license. The state requires that each employee shall successfully complete a thirty (30) day rehabilitation program before a license can be issued. In order to attend the thirty (30) day rehabilitation program, any combination of vacation time, sick leave or unpaid leave of absence from employment with the City may be used. The cost of the rehabilitation program and re-testing is at the employee's expense.

After successful completion of the rehabilitation program, the employee may be re-tested. It is also understood that the employee may be subject to random drug-screening procedures after the issuance of his/her license if employed in a safety sensitive position or allowed by law. A positive result on any future drug-screening procedure, whether regularly scheduled or random, is cause for immediate termination of employment with the City. Failure to complete the rehabilitation program is also cause for immediate termination.

VEHICLE USE

All city vehicles are to be driven by city authorized/insured personnel for the sole purpose of city business. Smoking and chewing/rubbing tobacco are not allowable practices within a City vehicle. An employee driving a City vehicle shall obey all city, state, and federal laws. City vehicles are to be kept in a clean, orderly fashion. Improper use of City vehicles will be subject to discipline and/or termination by the Mayor.

CHANGE OF STATUS

Appointments and Promotions

Promotions of employees shall be made on the basis of qualifications and merit. A vacancy may be filled from within or outside of any department. The criteria used in the selection of the most qualified applicant shall be based upon experience, education, performance evaluation and, where feasible, examination. Nitro Police Department promotions shall follow the procedures of the Nitro Police Department Policies and Procedures.

Promotion Procedure

An employee may be recommended for advancement, in writing, by the department supervisor.

The recommendation will then be forwarded to the Mayor. The recommendation must be accompanied by the results of a current physical examination and/or psychological evaluation, if required, for job performance. The employee may then be interviewed by the Mayor.

Transfers

A transfer may be affected at any time, subject to required approval of the Mayor, at the request of the employee involved or for disciplinary reasons or administrative convenience, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated.

Non-Disciplinary Demotions

An employee may be administratively demoted at his or her own request or as an alternative to layoff as long as approved by the Mayor.

Resignation

Even though the City of Nitro is an “at-will” employment agency, employees are requested to give two weeks (14 days total) written notice of intent to resign. Upon resignation or termination, the employee will attend an exit interview with the department supervisor to return issued identification, keys, passes, uniforms, and other equipment used during employment. Receipt of all City-issued items will be acknowledged by the Department Supervisor, the Mayor or their appointed representative.

Re-hire

Any employee, who resigns his/her position with the City may be considered for re-employment if a position is available, if the previous employee has the qualifications for the position and if he/she is physically fit to perform the duties on such position. On a re-hire, the employee shall accept the position and salary stated at the time of re-hire and shall serve the 90-day probationary period. The new re-hire date will become the effective hire date. Previous service will not be considered in total length of employment or other benefits.

Absence from Work

If an employee is going to be absent from work, he/she must report to his/her immediate supervisor no later than sixty (60) minutes for illness or emergencies or thirty-six (36) hours for scheduled leave before the scheduled starting time of your shift stating the specific reason, he/she will not be at work. All telephone calls must be made by the employee personally unless physically unable to do so.

Unless federal or state laws governing disability or leave state otherwise, the only acceptable reasons for unscheduled absences are illness or injury to the employee or death, serious accident, or illness of a member of the immediate family. In every case, it is the employee's responsibility to keep his/her supervisor informed of the reason for absences.

Employee must tell supervisor when expected to return to work.

Employees must telephone supervisor before each shift absent, unless under a doctor's care and have supplied the supervisor with a doctor's statement, or if he/she is on an excused absence to be determined at the supervisor's discretion. If absent due to illness, employee cannot return to work until the next scheduled work shift.

Return to Work

On the last working day before intending to return to work, employee must telephone supervisor not less than two (2) hours before the end of his/her regular shift. If employee has been absent for more than three (3) working days due to illness or non-job-related injury, he/she must bring a return-to-work slip from doctor and provide documentation of illness.

If employee does not telephone his/her supervisor at least two (2) hours before the end of the regular shift on the last working day before intending to return to work, then the supervisor will make the decision as to whether or not you may work on the day you return. In making this decision, the supervisor will consider any scheduling changes or problems created by the employee's return to work.

Excessive Absenteeism

Supervisors will review employee's attendance records at the end of each month. Employees who show a pattern of abuse as determined by the City will be subject to discipline, including termination.

Where federal or state law regarding disability or leave applies, appropriate and reasonable accommodations will be made.

EMPLOYEE EVALUATION

Employees may be evaluated from time to time.

The City of Nitro will not tolerate any personnel performance evaluation procedures that are discriminatory or unfair. Evaluations will become a part of the historical employee file records with a copy made available to the employee.

Supervisors should regularly observe employees performing their jobs and provide feedback to the employee. The annual evaluation may be completed by the immediate supervisor and subject to review by the Mayor. An evaluation is aimed at creating a positive outcome. Supervisors should acknowledge the employee's strengths and weaknesses and make suggestions for employee improvement and success.

The department supervisor should use fairness and respect and will provide the employee an opportunity to read the evaluation and make comments in the appropriate spaces.

The overall categories for the Employee Performance Evaluation will be as follows:

3. Exceeds expectations. Performance consistently exceeds set standards.
2. Meets expectations. Performance meets and occasionally exceeds standards.
1. Below expectations. Performance is substandard and requires improvements.
- N/A. Not Applicable. Lack of sufficient knowledge to evaluate the performance factor.

The employee is informed that evaluations are not mandatory but are at the discretion of the Department Head and the Mayor.

HOURS OF WORK

Working hours and related work schedules vary within the City because some departments operate 24 hours a day every day of the year. Regular hours for the Municipal Building Staff shall be Monday through Friday from 8:00 a.m. to 4:00 p.m. with one hour designated lunch period.

The work schedule is determined by occupational assignment. Department supervisors will establish the work schedule for units under their supervision. Full time hourly, non-exempt employees, however, will be on a regular schedule, which will provide for a 40-hour work week. With approval of the Mayor or Department Head and employee may be permitted to work four (4) ten (10) hour shifts to satisfy this requirement. The decision to allow work on a four- or five-day period is at the discretion of the Department Head of

Mayor, and may be changed based upon the decision of what best serves the effective performance of City government and service to the citizens of the City.

For all **hourly** employees that are scheduled off for a City-recognized holiday shall be compensated for that holiday (ex. 8-hour regular shift shall only receive 8 hours regular holiday pay).

Salaried exempt classification positions will be on a regular determined schedule of hours and shall be expected to devote appropriate time on the job to complete the assigned work.

Overtime

The City will follow the provisions of the Fair Labor Standards Act (FLSA) in regard to overtime policies. All non-supervisory non-exempt personnel shall receive overtime pay, for work in excess of the specified determined work week/Work Pay Period.

Overtime must be authorized by the department supervisor.. Emergency situations, which require overtime, shall be authorized by the department supervisor. When emergency call-out situations for unscheduled extra work occur, hourly employees shall be paid at a rate of one and a half times their normal rate of pay with a two-hour minimum. Employees working overtime for a scheduled meeting (or scheduled court for the police clerks), will be paid overtime/comp time at a rate of one and half times (1.50) their hourly rate.

All **hourly** employees who are called out on a City-recognized and observed holiday shall be paid at a rate of one and a half times (1.50) their regular hourly wage with a two-hour minimum.

All **hourly** employees who have a regular scheduled shift, which falls on a City-recognized holiday, will be paid at one and a half times (1.50) their normal hourly wage.

All **hourly** employees who are called out to work in an emergency situation while on vacation shall be paid at a rate of one and half times (1.50) their hourly rate with a two-hour minimum.

These rates will be applied to the employee regardless of the hours worked in that week.

Exempt Employee for Overtime

Exempt employees as defined by the Fair Labor Standards Act (FLSA) as amended in 1985, do not receive overtime, compensatory time or any other type of premium pay, holiday pay or call-out pay.

Compensatory Time Policy

A non-exempt employee of the City of Nitro, at the discretion of the employee, and with the approval of the department supervisor may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than 1 ½ hours for each hour of employment for which overtime is incurred. Comp time shall be taken within the same or next pay period that it is accrued.

Comp time should be tracked by the employee and submitted to the City's appointed representative weekly. The employee should provide the date the comp time was incurred or used, the number of hours, and the reason for comp time. A form will be provided for an employee to use for this purpose.

Comp time should not be taken without prior approval of the employee's supervisor or as soon as practicable after an emergency. If this requirement is not followed, an employee will receive credit for all comp time earned but may be subject to disciplinary action for violation of this policy.

Comp time accrued and chosen may not be split or paid as overtime. All comp time earned is comp time and will be handled as such. For example, if an employee work five hours of overtime, and chooses to accrue that time as comp time, they must take the entire amount as comp time, and not spilt it as two hours of overtime and three hours as comp time.

Compensatory time off is not working hours and it is not counted as hours worked during the applicable work week, or other work period, for purposes of determining overtime compensation.

All Exempt employees of the City of Nitro are eligible for Compensatory time, but may accumulate a maximum of 120 hours at any time. The employee and the City will strive to have the exempt employee use this comp time within six months of it being earned.

ISSUANCE OF PAY CHECKS

City employees are paid bi-weekly. The pay period ends on Saturday , timecards are submitted on Monday morning and checks will be issued on the following Thursday .

BENEFITS

Holidays

The following days and such other days as the City Council or Mayor shall proclaim to be legal holidays will be observed by all City employees, and including all those in accordance with W. Va. Code 2-2-1:

- (1) New Year's Day
- (2) Martin Luther King's Birthday
- (3) Presidents' Day
- (4) Memorial Day
- (5) Juneteenth
- (6) West Virginia Day
- (7) Independence Day
- (8) Labor Day
- (9) Columbus Day
- (10) Veterans' Day
- (11) Thanksgiving Day
- (12) Lincoln's Day (Day after Thanksgiving Day)
- (13) Christmas Eve, one-half day
- (14) Christmas Day
- (15) New Year's Even, one-half day
- (16) Any day on which a general, primary, or special election is held throughout the State of West Virginia
- (17) City of Nitro Election Day (2nd Tuesday in June – every 4 years)
- (18) Any day proclaimed or ordered by the Governor or the President of the United States as a day of special observance or Thanksgiving, or a day for the general cessation of business.

If a holiday otherwise listed above falls on a Sunday, then the following Monday is the legal holiday. If a holiday listed above falls on a Saturday, then the preceding Friday is the legal holiday:

Vacation

The City of Nitro grants vacations with pay after six months of employment so that employees will have an annual period for rest and relaxation. At the time of an employee's separation of employment, vacation and compensatory time is hereby forfeited.

All employees of the City of Nitro on permanent salary and hourly wage payrolls, must have completed the probationary period before being able to accrue annual leave/vacation. Upon completion of the probationary period, and being hired as a full-time employee, annual leave/vacation will be retroactive to the date of employment. Vacation will be credited on employee's anniversary date of hire.

Annual leave, vacation, will be accrued per as follows:

(i) Six (6) months but less than 12 months	4 hours per month of service
(ii) One (1) year to less than five (5) years	80 hours
(iii) Five (5) years to less than fifteen (15) years	120 hours
(iv) Fifteen (15) years or more	160 hours

- (b) Any employee on vacation shall not be considered for overtime or call out during the full calendar week in which the vacation occurs unless there is an emergency and the call out is approved by the supervisor.
- (c) When a legally- recognized holiday falls during an employee's scheduled vacation period, said employee shall not be charged for vacation on said holiday.
- (d) No more than a total of 80 hours may be carried over to the next year. As of December 31st, all accumulated annual leave over the individual employee's maximum accumulated and allowable total of 240 hours shall be forfeited. An employee may have not more than 240 hours of vacation time accumulated at any time.
- (e) Employees shall be given vacation preference by order of seniority with the most senior employees being given first choice. First choice vacations shall be limited to a maximum of two (2) weeks until all department employees have been granted vacations. Third- and fourth-weeks vacations shall then be granted by seniority in those weeks in the calendar year in which no other department employee has chosen a first-choice vacation.
- (f) City Hall personnel shall maintain a permanent record of vacations for all departments; such record shall be conclusive as to the time and duration of such vacations.

(g) Employees of the City on the “temporary” or “part-time” payroll are not eligible for vacations with pay regardless of their length of service with the City. Provided, however, any employee hired prior to July 1, 2022 and considered a “part-time employee may continue to receive vacation time as agreed upon prior to July 1, 2022, and this section (g) shall not apply to them.

(h) Vacation Leave must be taken in minimum amounts of 4 hours.

Use of Vacation Leave

Vacation leave may be used, at the option of the employee, with approval of the supervisor to provide paid absences for vacation, for medical appointments when sick leave is exhausted, for absences due to adverse weather conditions or for absences in excess of the credits available for other kinds of leave.

When an employee uses FMLA leave, he/she must use vacation/comp days concurrently with the 480 hours of annual FMLA leave.

If an employee is taking a leave of absence, vacation hours must be used concurrently with the excused leave of absence.

Vacation leave shall be subject to the following restrictions:

Vacation leave shall **NOT** be granted to an employee whose absence from duty is a result of misconduct or discipline.

Payment in Lieu of Vacation (Vacation Payout)

Subject to the approval of the Mayor, any employee eligible for vacation leave may choose to receive payment instead of time off for up to one week (40 hours) per year of the leave time accrued.

Vacation Leave Entitlement Reinstatement

Employees recalled from layoff within one year of separation may be granted vacation based on length of service which they had at the date of separation.

Vacation Leave – Separation from Employment

Upon separation from employment for any reason, an employee shall be paid for accumulated annual vacation, but not to exceed 160 hours.

If an employee has been discharged due to the commission of a felony or crime relating to employment with the city (as determined by the Mayor), all vacation hours are hereby forfeited.

Sick Leave

The purpose of sick leave is to insure employees against loss of pay due to illness or injury. Except as specified in this section any other use of sick leave is fraudulent and disciplinary action may be taken. The department supervisor and/or Human Resources Manager shall be notified as soon as possible that sick leave is required by an employee.

Accrual of Sick Leave

After fulfilling the probationary period, full-time employees of the City on the permanent salary and hourly wage payrolls shall be eligible for sick leave pay as follows:

- (a) Such employees shall be entitled to accumulate sick leave credit at the rate of 8 hours per month for a total of 96 hours annually. Sick leave shall be accumulated from year to year.
- (b) An employee may claim sick leave if the employee is absent from work due to employee illness or employee's family illness or physical or mental incapacity, medical, dental, optical examinations or treatments or medical quarantine resulting from exposure to a contagious disease. Extended family illness other than spouse, grandparents, dependent children, parents, stepchildren and/or stepparents must be requested in writing and approved by the Mayor. In the event an illness exceeds two (2) consecutive days, such absence shall be documented by an excuse from a duly licensed physician. Department supervisor shall have the right to investigate, or cause to be investigated, the alleged illness of such employee or employee's family illness. If an employee requests sick leave pay for time spent outside of the Nitro area, doctor's certification of need and nature of illness may be required. Employees desiring to leave the Nitro area while on sick leave must have a doctor's certification of need and nature of illness and obtain prior approval.
- (c) If any employee so elects, he/she may, with the consent of the department supervisor, allow any or all accumulated vacation leave credit to be applied to any period of certified sickness or disability, which extends beyond the limits of sick leave pay accumulated.
- (d) Any employee who is necessarily absent from duty on account of illness shall receive his/her salary for the time or period of such absence equal to the total accumulated sick leave credit. The minimum charge against sick leave shall be two hours.

- (e) Each department supervisor shall report to the Personnel Manager every absence of an employee because of sickness or disability and whether or not the same shall be charged to the sick leave credit of such employee and the number of days to be so charged. This report shall be made to the Personnel Manager in correlation with the regularly scheduled payroll time period.
- (f) The department supervisor shall review sick leave records periodically to identify trends of sick leave usage and counsel employees as to the consequences if sick leave is abused.
- (g) Employees of the City on the “temporary” or “part-time” payroll are not eligible for sick leave credit regardless of the length of their service with the City. Provided, however, any employee hired prior to July 1, 2022 and considered a “part-time employee may continue to receive sick leave as agreed upon prior to July 1, 2022, and this section (g) shall not apply to them.
- (h) Sick leave shall not be granted to an employee whose absence from duty is result of misconduct. Absence for such cause shall be reported as absence without leave and shall subject the employee to disciplinary action.
- (i) When an employee uses FMLA Leave, after using their vacation days, an employee must then use their accumulated sick leave concurrently with their 480 hours of annual FMLA leave.

The City may withhold benefit payments to any employee who is guilty of submitting a false claim or abusing sick leave privileges. Disciplinary action may be taken for such false claim up to and including discharge. An employee who is off sick for three (3) or more consecutive days, shall be required to provide a doctor’s excuse for the absence.

At the time of separation from employment with the City of Nitro for any reason, with exception of retirement, all accumulated sick leave is hereby forfeited.

Sick leave shall not be accrued when an employee is on any type of leave for thirty (30) days or longer.

Donated Leave

In the event of a medical emergency, where an employee has depleted all sick, vacation and/or personal leave accumulated, the employee may request a donation of sick leave through the Human Resources Manager from their hired department and approved by the Mayor.

Eligibility: In order to be eligible to receive donations of annual leave, an employee must meet the following conditions:

- (a) The employee must have a medical emergency involving a medical condition of the employee or a member of the employee's immediate family.
- (b) In the case of a medical emergency involving a medical condition of the employee, the employee must have exhausted all sick leave, all annual leave, as well as any other accrued paid leave to which the employee is entitled.
- (c) The employee must apply to receive donated leave according to procedures established by the Human Resources Manager. If the employee is unable to apply to receive donated leave, because of the nature of an employee's medical condition, a member of the employee's immediate family may apply to the Human Resources Manager.
- (d) The employee must not be receiving or be eligible to receive compensation for his or her absence from work from Workers' Compensation, Social Security disability benefits or short or long-term disability insurance.
- (e) Donor eligibility means the donor employee must have a remaining balance of 80 hours of accrued sick and/or annual leave after making the leave donation.
- (f) Inter-agency donations will not be considered at this time.

Recipient Status: Employees who are recipients of long-term donated leave are considered on leave without regular pay status.

- (a) Recipients do not accrue annual or sick leave while on donated long-term leave.
- (b) In the case of a medical emergency involving a medical condition of the employee or a member of the employee's immediate family, the employee must have exhausted all sick leave and all annual leave as well as any other accrued paid leave to which the employee is entitled.
- (c) Recipients' eligibility to have the employer share of insurance premiums paid shall be determined in accordance with State law. .
- (d) Total maximum donated leave to the recipient will not exceed 90 days.

Method of Donations and use of Donated Leave: All donations of sick/annual leave and the use of donated leave is governed by the following criteria and criteria established by the Human Resources Manager.

- (a) Donations of sick/annual leave shall be in the form of whole hours only.
- (b) Donors shall specifically designate the recipient(s) on the leave donation.
- (c) The Human Resources Manager shall deduct the total donation from the annual leave balance of the donor upon receipt of the donation form specified.
- (d) The Human Resources Manager shall transmit all donated leave to the recipient and notify recipient of the balance of sick/annual leave received.
- (e) Donated leave shall be used in the same manner as accumulated sick/annual leave.
- (f) Donated leave shall cease if the recipient, for any reason, ceases employment, if the recipient voluntarily requests termination of the use of donated leave or upon the recipient's return to work after donated long-term leave.

Definitions for Donated Leave:

Sick/Annual Leave: An earned employee benefit of paid time off from work as provided in the code of the City of Nitro and the Employment Policies and Procedures Handbook.

Donor: An employee who voluntarily donates accrued sick/annual leave to a recipient.

Employee: Any person occupying a position with the City of Nitro, who is full-time, paid a wage or salary and who is entitled to sick/annual leave as a benefit of employment.

Immediate Family: The immediate family consists of parents, children, siblings, spouse, parents-in-law, children-in-law, grandparents, grandchildren, stepparents, stepsiblings, stepchildren and individuals in a legal guardianship relationship.

Inter-agency Donation: A donation of annual leave where the donor is paid from one operating account and the recipient is paid from another operating department account.

Medical Emergency: A medical condition of an employee or a member of the employee's immediate family, that is likely to require the prolonged absence of the employee from duty and which will result in a substantial loss of income to the employee because of the unavailability of paid leave.

Recipient: An employee who receives sick/annual leave donations from other qualified employees of the City of Nitro.

Family and Medical Leave

(A) Applicability

Family and medical leave will be provided to eligible employees in conformity with the Family and Medical Leave Act (FMLA). Eligible employees may take up to a maximum of twelve (12) weeks of leave, without pay, during a twelve-month period for any of the following reasons:

- (a) Birth, adoption, care of a newborn child or placement of a child in foster care
- (b) Care of a child, spouse, or parent with a serious health condition
- (c) A serious condition that results in the employee's inability to perform the functions of the employee's job. Leave shall normally be continuous, except that leave for the care of a child, spouse, or parent with a serious health condition or due to the employee's own health condition may be taken intermittently or on a reduced basis when medically necessary.

- (d) Additional time may be allowed for military service as set forth the Family Medical Leave Act.

The twelve-month period will be measured from the point in time an employee uses any FMLA time.

(B) Definitions

Eligible Employee – One who has worked for the City for at least twelve (12) months and has worked at least twelve hundred and fifty (1250) hours during the prior twelve months.

Serious Health Condition – An illness, injury, impairment, physical or mental condition that results in (a) any period in incapacity or treatment related to inpatient care in a hospital, hospice or residential care facility, (b) any period of incapacity requiring absence from work, school or other regular activities for more than three (3) calendar days that also involves continuing care by a healthcare provider, (c) continuing care by a healthcare provider for a chronic or long-term health condition that is incurable, or so serious that, if not treated, would result in more than three (3) days of incapacity or (d) prenatal care.

Medical Necessity – Certification required by a healthcare provider that an intermittent leave is medically necessary and outlining the expected duration and schedule of the intermittent or reduced leave.

Where a term is defined in the FMLA and/or accompanying regulations, that definition will be incorporated into this policy.

The City of Nitro will not allow an employee the option to obtain and/or work a second job while on authorized FMLA Leave.

(C) Administrative Requirements

- (1) Employees are required to utilize their sick and vacation leave concurrently with their unpaid FMLA leave. The period during which an employee is on paid sick and vacation leave will be counted against the employee's total FMLA leave entitlement of 480 hours.
- (2) Employees must give thirty (30) days advance notice of the need to take FMLA leave. When it is not possible to give thirty (30) days advance notice, notice must be given as soon as practicable, ordinarily within one or two days.
 - a. Failure to give adequate notice as outlined above may result in a delay of up to thirty (30) days before FMLA leave will be granted.

- b. When requesting intermittent leave for medical treatments, employees must make reasonable efforts to schedule the leave so as not to unduly disrupt operations.
- (3) Employees must provide medical certification from an appropriate healthcare provider to support a FMLA request related to a serious health condition.
- (4) Employees on FMLA leave will be required to submit monthly recertification or updated reports regarding the family member or his/her current status.
- (5) Employees must give two weeks advance notice of their intent to return to work.
- (6) In most cases, an employee returning from FMLA leave will be restored to the position previously held prior to FMLA leave, provided that the position remains available. If that position is unavailable, the employee will be reinstated to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee taking FMLA leave is not entitled to any greater right to reinstatement or other benefits than if continuously employed during the leave period. Vacation and sick leave will not be accrued during the time the employee is absent on FMLA leave, paid or unpaid. Holidays will be paid during FMLA leave.
- (7) If FMLA leave is taken on a reduced or intermittent basis, the employee may be transferred temporarily to an available alternative position for which the employee is qualified, and which better accommodates the recurring periods of leave.
- (8) An employee taking FMLA leave due to a serious health condition must present certification that he or she is fit for duty prior to reinstatement. Failure to provide the required certification will result in denial of restoration to employment.

(D) Healthcare Benefit Continuation

- (1) If an employee is otherwise entitled to health insurance coverage, the coverage will continue throughout the duration of FMLA leave. The conditions under which such coverage is provided will be the same as if the employee were actively working.
- (2) The employee's share of any healthcare premiums must continue to be paid by the employee while on FMLA leave, and payments are due at the same time as if made by payroll deduction.

- (3) If an employee's share of any healthcare premium is delinquent for more than thirty (30) days, the employee's health coverage may be terminated. If the coverage is not terminated and the City elects to pay the entire premium, the amount of the employee's delinquency will be recovered from the employee after he or she returns to work.

SPECIAL LEAVE

Military Leave

Employees who are ordered to military service shall be entitled to all leave and reemployment rights that they may have under current state and/or federal laws.

Funeral Leave

Employee shall be granted leave with pay to attend the funeral of an immediate member of family as defined below. At the time of bereavement, leave shall be granted by the Mayor for three (3) consecutive days, excluding weekends, holidays, or scheduled days off. If additional time is necessary, due to the funeral being held 350 miles or more from Nitro, employee may use 2 sick days for this purpose. .

“Immediate family” for the purposes of this clause is defined as spouse, child, parents, grandparents, brother, sister, grandchild, parents-in-law and daughter/son-in-law.

In the case of the death of other relatives, the employee will be permitted time off to attend the funeral. **The employee may use one sick or vacation day for this purpose.**

Leave Without Pay

Leave of absence, without pay, may be approved by the Mayor.

If such unpaid leave of absence exceeds one calendar month, paid insurance benefits will not continue unless paid for by the employee, vacation and sick leave will not accumulate.

Jury Duty

Any employee selected for jury duty shall be granted leave with pay for such time as is required to fulfill such duty. If an employee is ordered to appear in court for jury selection and is not chosen for duty, he/she is expected to return to work.

Witness Duty

The employee who is a party to a personal suit must use vacation leave, personal leave or short-term leave without pay. A city employee who receives a subpoena with respect to non-City matters are required to use vacation leave or leave without pay.

The employee who is a party in an official capacity to a City related suit will not be charged with any leave and the appearance on behalf of the City will be viewed as a continued execution of City duties. Any employee excused from duty at the time required for such service shall be paid at the regular hourly rate, less witness fee paid for his/her services.

ADDITIONAL BENEFITS

Unemployment Compensation Insurance

The City of Nitro participates in the Unemployment Compensation Insurance Program.

Workers' Compensation

All employees are covered under West Virginia Worker's Compensation Statute and the Rules and Regulations applicable to West Virginia Workers Compensation claims.

Compensation insurance for injuries arising in the course of employment is provided according to the Workman's Compensation Act of West Virginia. The entire cost of their insurance is paid by the City of Nitro. Any injury or illness resulting from your job must be reported IMMEDIATELY by the employee to your supervisor. If the employee is unable to report his/her injury, the supervisor is responsible for reporting the injury to City management.

The current carrier providing this coverage may change from time to time, however, you will be notified of any change, or you can contact Human Resources Manager if you have any questions as to who this coverage is provided through.

The employee will be responsible for his/her "employee portion" of their insurance/payroll deduction(s) at the time of injury/illness. This will be paid to the City of Nitro by the 1st of each month.

Return to Work Program

The City of Nitro's first and foremost concern is the safety of our employees. When and if accidents occur, we want our employees to know we want them to seek medical attention if necessary and return to work as soon as possible.

The City of Nitro has a written Return-to-Work Program for the injured employee. Employees are encouraged you to read this and if there are any questions, do not hesitate to ask. The City will be monitoring injuries and playing an active role in returning the injured worker back on the job as soon as possible. This will be done in compliance with the physician and our West Virginia Worker's Compensation Carrier. Modified or alternative positions will be available and reconsidered temporary or transitional.

The City's employees are valuable assets. For the City to continue to provide outstanding service to our customers, we need **YOU**, the employee to be here.

A. Policy

The City of Nitro is committed to providing a safe and healthy workplace for employees. Preventing injuries and illnesses is our primary objective.

If an employee is injured, the City of Nitro will return an injured employee to modified or alternative work as soon after an injury as possible. This will be done by temporarily modifying the employee's job or providing the employee with an alternative position. The employee's medical condition along with any limitations or restrictions given by the attending physician will be considered as a priority when identifying the modified/alternative position.

If after eight (8) weeks, it is determined that the employee cannot return to full duties then this modified duty will end, and the employee will be placed off work and back on workers compensation.

B. Purpose

This program is intended to provide employees with an opportunity to continue as valuable members of our team while recovering from a work-related injury. We want to minimize any adverse effects of an on-the-job injury to any of our employees and return the injured employee to their original job. This program is intended to benefit an injured employee by promoting a speedy recovery while keeping their work patterns and income consistent. The City shares in the benefits by having our employees retain work skills thus contributing to the overall productivity of our business.

C. Scope

This program applies to all employees of the City of Nitro.

Responsibilities of the City of Nitro

- When the City of Nitro has an on-the-job injury or illness: we will take the time to handle the injury appropriately.
- We will provide first aid immediately.

- If the injured employee requires medical attention, we will, when possible, accompany the injured employee to the treating physician or medical facility.
- It is our responsibility to let the medical provider know that we have a Return-to-Work Program and intend to bring this employee back to work as soon as possible.
- If the injured employee is unable to return to work immediately, the City of Nitro will keep in contact with them. We will let the employee know of our concern for their condition and assure him/her that he/she is a valuable asset to this company.
- The City of Nitro will let the injured employee know that we will make every reasonable effort to accommodate their temporary physical limitations with a modified or alternative position.
- We will welcome back all employees into both temporary and permanent return-to-work positions.
- The City of Nitro will notify its West Virginia Worker's Compensation Carrier of our efforts to return injured employees as it may impact the injured employee's rights to temporary disability payments or partial loss of wage disability payments.
- The City will provide the employee with written information on an annual basis addressing who the workers compensation carrier is and the contact information for reporting a claim.

Reporting an on-the-Job Injury or Illness

To All Employees:

Our West Virginia Worker's Compensation Carrier insures you for any on-the-job injury or illness. Worker's Compensation provides the following benefits:

- **Medical Care:** All approved medical and hospital bills in relation to the compensable injury.
- **Disability Income:** If hospitalized or unable to work for more than three days as a result of your on-the-job injury or illness, you will receive temporary total disability payments equal to 70% of your average weekly wage, up to the maximum allowable by law. If your injury or illness results in a permanent impairment, permanent partial disability benefits may be awarded.
- **Vocational Rehabilitation:** If your on-the-job injury or illness prevents you from returning to the pre-injury job, you may be eligible for vocational rehabilitation.
- **Death Benefits:** Should an on-the-job injury or illness result in death; a benefit may be paid to your dependents.

Effective immediately, the following policy will be in effect:

1. Report all injuries immediately to your immediate manager or supervisor. This includes minor injuries that may only require first aid. Failure to report all injuries or illnesses may result in a delay in benefit payments.

2. Any injury requiring emergency treatment should be treated at the nearest emergency treatment facility immediately following the injury. Call 911 when emergency assistance is needed.
3. For medical treatment other than an emergency, you may seek treatment from a company pre-selected physician or physician of your choice. If you go to a medical provider of your choice, you must notify your Return-to-Work Coordinator or Supervisor. Arrangements will have to be made regarding the company's Return-to-Work Program.
4. Should the treating physician restrict you from regular duty because of an on-the-job injury or illness, you must immediately provide your manager or supervisor with the NOTICE TO PHYSICIAN form outlining your restrictions. Whenever possible, we will attempt to accommodate your restrictions by providing appropriate modified or alternative work for you while you are unable to perform your normal duties.
5. Worker's compensation fraud is a felony in West Virginia. Any person who files or contributes to the filing of a false worker's compensation claim is committing a crime punishable by a prison sentence and/or fine.

In order for this system to work most efficiently, we must have your cooperation. Please see your immediate manager or supervisor should you have any questions.

Retirement Plan - PERS

The City of Nitro participates in the West Virginia Public Employees Retirement System. The City of Nitro follows all guidelines under the WV Public Employees Retirement System. Employees will participate in the WV Public Employees Retirement System based on the WV Public Employees Retirement System guidelines. Booklets, which provide further details, are available at the Human Resources Office.

Health Benefits

The City provide health insurance, please see City Hall for details.

Health Savings Account (HSA)

Employee may be eligible to participate in a Health Savings Account. Please see the City Hall for details.

CONDUCT

While it is not possible to anticipate every conduct issue that may arise, the City of Nitro has provided the lists below to give employees guidance regarding their conduct. The City may respond to misconduct as indicated in this manual, but the City also reserves the right

to exercise its discretion to make the appropriate response in situations not covered by these lists. The list of items are not intended to be all-inclusive, but mere examples.

Nothing in the section changes the “at-will” employment status and does not create a contract, express or implied, that discipline will occur as set forth below. The City reserves the right to not follow these guidelines and to issue any form of discipline deemed by them to be in the best interest of the City at its total discretion.

(A) The following conduct is expressly forbidden:

1. Illegally possessing a weapon or firearm.
2. Openly carrying a weapon or firearm (with the exception of the Mayor and Law Enforcement).
3. Falsifying reports and records.
4. Inciting violence or attempting to incite others by word or action to violence.
5. Violating the City’s Drug and Alcohol Policy.
6. Assaulting a supervisor or fellow worker or provoking such assault.
7. Stealing from any person while on the job.
8. Intentionally damaging or destroying the property of the employer.
9. Accepting payment or demanding payment from the public to perform an act, for which the employee has been paid by the City.
10. Misappropriation of City property or funds.
11. Gross or willful insubordination.
12. Gross or willful misconduct of one’s responsibilities and duties.
13. Cash drawer utilization for personal use (lunch, travel checks, vested health, personal checks/money orders or any other instrument to provide personal cash from the city’s drawers).

An employee committing any of the above acts may be subject to immediate dismissal/termination.

(B) The following offenses are also strictly prohibited:

1. Insubordination or refusal to follow a supervisor’s reasonable order.
2. Sleeping on the job.
3. Operation of a motor vehicle or equipment while eating or drinking.
4. Operation of a motor vehicle or equipment in a negligent manner.
5. Operation of a motor vehicle while under the influence of any narcotic or non-narcotic drug likely to impair your ability to drive whether such drug is prescribed by a physician or not, unless written notice of such medication has been given to your supervisor.
6. Committing any intentional act likely to result in injury to yourself or a fellow worker.
7. Using the employer’s property in any manner likely to cause damage to it beyond normal wear and tear.

8. Conviction of a job-related criminal offense of a felonious nature or involving moral turpitude after date of employment.
9. Failure to use at all times, as required, proper safety clothing and equipment (including steel toe shoes, safety glasses, ear plugs, masks, etc.) provided by the employer.

Any employee committing any of the above offenses may be subject to suspension without pay and/or termination.

(C) The following offenses are also prohibited:

1. Smoking in prohibited areas as posted. The City of Nitro is committed to providing all employees a safe, healthy, and productive work environment. It is the policy of the City of Nitro that smoking is prohibited in/on all City-owned property except where specifically designated. Furthermore, smokeless tobacco will not be tolerated within the City of Nitro municipal building.
2. Horseplay on City property.
3. Failure to report any motor vehicle accident to the Police Department and remain at the scene of the accident until a report is made whether another vehicle is involved or not and whether or not you believe that any property damage or injury has resulted.
4. Failure to immediately report any non-vehicular accident to your supervisor.
5. Operation of a motor vehicle or equipment in a careless manner.

Any employee committing any of the above offenses may be subject to a written warning.

Only for purposes of this Conduct section, if an employee has been employed by the City longer than three (3) years and is discharged from employment with the City, the employee may file a written grievance with the employee's department head within five (5) days. The department head will meet with the employee within five (5) working days and issue a written decision within three (3) working days. The written decision need not require any findings for facts or conclusion other than the department head's decision.

Thereafter, if the department head rules against the employee, the employee has five (5) working days to appeal the decision to the Mayor. The Mayor shall meet with the employee within five (5) days or as agreed upon by the employee and Mayor. At this meeting, the employee may present the employee's position with any supporting documents or witnesses. At this meeting, the Mayor may also hear from the City's Department Head and any other employee(s) with relevant information. Cross examination is not allowed by either side. Each side may have an attorney present if they wish. The maximum amount of time at this meeting is one hour per side. The Mayor shall then have ten (10) working days to issue a written decision. The written

decision need not contain any findings or conclusions but only the decision. The Mayor's decision is final.

The standard is on the employee to prove by a preponderance of the evidence that the decision to terminate was without "good cause." For purposes of this Conduct section, "good cause" shall mean the presence of a legitimate non-discriminatory business reason. The potential of a lesser discipline is irrelevant and immaterial to this determination.

The employee's termination is not delayed by seeking this grievance, but if reinstated, the employee will be entitled to any back pay, but not attorney fees and costs.

Social Media Policy

1. Purpose

- a. This policy provides an outline to employees for use of social networking websites and/or apps including, but not limited to: Facebook, Twitter, LinkedIn, Instagram, SnapChat, blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums and/or other sources of sharing information online.
- b. This policy serves to protect the reputation of City of Nitro as well as its employees, affiliate agencies and/or their employees and vendors via social networking websites and/or apps.
- c. All policies shall be followed on the aforementioned social networking websites and/or apps when referencing City of Nitro's operations, employees, clients, affiliate agencies and/or their employees, and/or vendors as well as when engaging employees, clients, affiliate agencies and/or their employees and/or vendors.
- d. Violation(s) of City of Nitro's social networking policy could result in disciplinary action, up to and including termination.

2. Policy

- a. City of Nitro employees are prohibited from posting confidential information pertaining to the public, personnel, affiliate agencies, and/or other confidential City of Nitro matters to any and all social networking websites and/or apps.

- b. City of Nitro employees shall use discretion and common courtesy when uploading and/or posting pictures at any work-sponsored or –related event and/or inside the City of Nitro and/or affiliate agency’s office(s), and/or of work-related documents.
- c. At all times City of Nitro employees shall be aware of who has access to their social networking profile(s). The City has the right to inspect, but not the duty, to inspect, audit, review or retain electronic communication created, sent, displayed, received, or stored on and over the City’s systems, computers or mobile devices owned by it. City employees have no expectation of privacy in his/her use of the City’s systems, computers or mobile devices owned by City of Nitro.
- d. The City has the right, but not the duty, to inspect, review, or retain electronic communication containing City of Nitro information or information created or maintained as a part of the employee’s employment with City of Nitro, regardless of whether said information or communication was created, sent, displayed received or stored on employee’s personal computer, electronic device, network, internet or electronic communication systems.
 - i. City of Nitro employees will be held accountable for their conduct, either during work or non-work hours, for social media posts or electronic communications, that (1) directly affects the performance of the employee’s responsibilities, or (2); becomes subject of such notoriety as to significantly and impair the capability of the City of Nitro to discharge it public responsibilities.
- e. Social networking shall not interfere with an employee’s responsibilities at the City. Accessing and/or posting to the aforementioned websites and/or apps during work hours is prohibited, unless approved by the Mayor or Department Head. .
 - i. City of Nitro’s computer systems are to be used for business purposes only. All personal use of social networking websites and/or apps is to occur solely on personal devices, and not during work hours.
 - ii. Any and all exceptions to this policy must be pre-approved by the Mayor, Department Head , or their designee.

- iii. Violation of this policy may result in the employee's personal device(s) being taken away during his/her shift(s) as well as other disciplinary measures, up to and including termination.
- f. City of Nitro is an equal opportunity employer. No employee or potential employee shall be discriminated against based on their race, creed, religion, political beliefs, mental or physical disability or handicap, ancestry, sexual orientation, or any other characteristic protected by federal, state, or local law (see Employee Handbook-Equal Employment Opportunity). However, all employees shall express any and all personal beliefs in a tasteful, non-offensive, non-aggressive manner.
- g. If a City of Nitro supervisor finds any content posted and/or published by another City of Nitro employee that is in violation of this policy, it is his/her responsibility to report the violation as soon as possible to their immediate supervisor, who shall take necessary action.
 - i. If a City of Nitro supervisor finds content posted and/or published by another City of Nitro employee that is in violation of this policy and does not report it, that employee shall be subject to disciplinary action.
 - ii. If a City of Nitro employee finds content posted and/or published by another City of Nitro employee that is in violation of this policy and he/she likes, comments, shares, or otherwise contributes to the content, the employee shall be subject to disciplinary action, up to and including the same action taken against the original poster.
- h. City of Nitro administration reserves the right to request removal for any other posts, comments, narratives, pictures, memes, and/or other content deemed in violation of this policy. Refusal by the employee to remove content deemed in violation of this policy shall be treated as insubordination and can result in disciplinary action.

CODE OF ETHICS

As an official or employee of the City of Nitro, one must:

- (1) Treat all citizens equally with courtesy and impartiality, and refrain from granting any special advantage to any citizen beyond what is available to all citizens.
- (2) Give efficient, productive and economic service to the public, always working and not for personal benefit or profit.

- (3) Use of City vehicles, equipment, supplies, and/or property should not be used for personal profit.
- (4) Not disclose information of a confidential nature which is acquired in the course of his or her employment without proper authorization. This provision is not intended to restrict the free flow of public information
- (5) Avoid receiving, soliciting, or otherwise obtaining anything of valuable benefit from any other public officials, employees, or citizens which is intended to influence the performance of official duties.
- (6) Not hold outside employment that is prohibited by the code or interferes in any manner with the performance of his or her City responsibilities. No use should be made of city-owned materials or facilities in performing such outside work nor should such work be done on City time.
- (7) Unless proper permission is obtained and full disclosure made, not have a pecuniary interest in any contract with the City, either involvement with a relative of the contractor or the administration of the contract.
- (8) Disclose confidential information acquired through your public position to further personal interests, yourself, or another person.

ANTI-HARASSMENT POLICY

(A) Rationale:

State and federal laws protect employees from discrimination and harassment based on certain characteristics, such as race, age, gender (sex), religion, disability, and national origin. The Equal Employment Opportunity Commission states that sexual harassment is an unlawful employment practice. The purpose of this policy is to unequivocally set forth the City of Nitro's position regarding sexual and other forms of illegal harassment, and the procedures to be implemented in order to carry out this policy. The City requires all employees to refrain from conduct that subjects other employees to illegal harassment, including sexual harassment.

(B) Definition:

Illegal harassment consists of comments or behavior that are directed at an employee's race, gender, age, disability, religion, or national origin. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

City employees are prohibited from engaging in any of the conduct described above.

(C) Policy:

The City's continuing policy is to provide employees a workplace free from any form of illegal harassment. Sexual harassment in any manner or form is expressly prohibited. All claims of illegal harassment will be promptly, and thoroughly investigated and corrective action taken if warranted by the results of the investigation. Such action may include disciplinary measures up to and including immediate termination.

(D) Procedures:

An employee who feels that he or she has been subjected to sexual or other illegal harassment by his/her supervisor, or by fellow employees, or clients and/or guests of the City, should report the incident in writing to his/her immediate supervisor.

Complaints will be promptly and thoroughly investigated. Investigations will be designed to protect the reasonable privacy interests of all parties concerned. All employees must cooperate with and provide information relative to these investigations. Disciplinary and corrective action will be taken dependent upon the circumstances and as appropriate.

If the complaint involves the supervisor, the incident should be reported directly to the Mayor or City Recorder. If the allegation involves the Mayor or City Recorder, the employee should contact the City Attorney. .

EMPLOYEE RESPONSIBILITIES

Each employee hired within any City Department will have a responsibility to be ambassadors of good will for the City of Nitro.

PERSONAL APPEARANCE

A. General Standards:

Each employee of the City of Nitro (all departments) must arrive at work neat and clean with clothing and equipment in proper order. Whenever appearing before the public, he/she must be properly shaven, hair groomed and clean as to his/her person and clothing. When necessity causes any uncleanness or lack of neatness, the employee will avail himself of the first opportunity to remedy this condition. The following standards are established as a guideline for the City of Nitro in an effort to promote a well-groomed appearance for all employees.

B. Guidelines:

1. Hair: Hair should be kept clean and neatly trimmed and groomed.
 - a. Male employees: A neatly trimmed mustache is permissible. Beards or goatees will be maintained in a neat, clean manner.
 - b. Female Employees: Hair shall be clean, neat styled to an attractive appearance consistent with the type of duty performed.
2. Clothing: All employees will wear clothing, which is clean, neat and appropriate for the job duties which are performed by the employee. The employee's appearance is a reflection of pride of employment with the City.
 - a. In the instance that shirts, jackets, hats, boots, coveralls, etc. are provided by the employer, the employee will be expected to maintain and use the clothing while on the job.

It is the intention of the administration and staff of the City of Nitro to provide a safe working environment for all employees. It is beneficial for all that we work together to provide the citizens with adequate services in a respectful and polite manner.

OFFICE TECHNOLOGY & SYSTEMS USE

The City has established this policy regarding access to and use of all office technology, including electronic data services and access and disclosure of voice mail and e-mail messages created, sent, or received by employees of the City. These policies also apply to all city owned cellular phones. The City reserves the right to change this and other policies at any time as may be required under the circumstances.

Policy

The City maintains a telephone system, facsimile equipment, data processing programs, an e-mail system and associated access to the Internet. These systems are provided by the City to assist in the conduct of business within its various departments.

The telephone system, computer hardware and licensed software are the property of the City. Additionally, all messages composed, sent, recorded, or received on the telephone and e-mail systems and the Internet are and remain the property of the City. They are not the private property of any employee. No changes or installation of any computer program shall take place on any City computer or telephone without the permission of the Department Head or Mayor.

The use of the e-mail system and associated Internet use are reserved solely for the conduct of business at the City. They may not be used for personal, private, or non-business matters. The employee should have no expectation of privacy for any materials or data stored on the City computers, mobile phones and other electronic devices, or any information accessed or transferred on said computers, mobile phones and electronic devices. The City shall have the right to inspect any employee's computer at any time and for any reason.

Neither the telephone system, the e-mail system nor the Internet may be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

The City reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over the voice mail, e-mail or other on-line systems for any purpose. The contents of these systems, properly obtained for legitimate business purposes, may be disclosed within the City's operations without the permission of the employee.

The confidentiality of any message or information should not be assumed. Even when a message or other data is deleted, it is still possible to retrieve and read that message or data. Additionally, these messages may be subject to discovery requests and orders in court and administrative proceedings.

Notwithstanding the City's right to retrieve and read any voice mail, e-mail messages or other data transmissions, these messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any voice mail or e-mail messages or other data that are not sent to them. Any exception to this policy must receive prior approval by a supervisor.

Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages or data without the latter's permission. All computer passwords must be

provided to a supervisor. No password may be used that is unknown to the employee's supervisor. Further, the use of passwords for security does not guarantee confidentiality.

The display of any kind of sexually explicit image or document on any City system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited, or recorded using our telephone, network, or computing resources.

Neither the e-mail system nor the Internet is to be used to display or transmit any offensive or disruptive messages. Among those, which are considered offensive, are any messages, which contain sexual content, racial slurs, gender-specific comments, or any other comments that mention age, sexual orientation, religious or political beliefs, national origin, or disability in a derogatory manner.

The Internet facilities and computing resources of the City must not be used to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province, or other local jurisdiction. Use of any City resource for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement activity related thereto.

E-mail and voice mail should not be used to transfer confidential, privileged, or sensitive information outside of the City's computer system or over the Internet unless approval is obtained in advance from a supervisor.

Under no circumstances will an employee be allowed to attach a personal computer or other electronic data equipment to the City's equipment.

Any employee who discovers a violation of this policy shall notify a supervisor immediately.

Any employee who violates this policy or uses the telephone system, data processing system, e-mail system, Internet or other electronic data base for **improper** purposes shall be subject to discipline, up to and including discharge.

DRUGS AND ALCOHOL

1. The City absolutely prohibits the unlawful use, consumption, manufacture, distribution, dispensation or possession of alcohol or any controlled substance or aiding or abetting in any such activity (1) during working hours, (2) while representing the City, (3) while on the City's property, or (4) reporting to work under the influence of alcohol or any controlled substance.

An employee is also prohibited from appearing for work under the influence of any legally prescribed or non-prescribed medication which may cause the employee to injure themselves, another employee, or the public. An employee should make all

reasonable efforts to consult with their physician to determine any medication's impact on their ability to perform their work in a safe manner. Any employee has the responsibility to notify their immediate supervisor if they are under the influence of any legally proscribed medication which could impact the safe performance of their job.

2. The illegal use of controlled substances, even during non-working time and off City premises, is incompatible with employment at the City and is prohibited.
3. Employees who violate the City's drug and alcohol policy will be subject to disciplinary action up to and including discharge.
4. The City recognizes that drugs and alcohol can be powerfully addictive. Therefore, if an employee informs his/her supervisor or department head that he/she is currently addicted to alcohol or drugs, and wishes to be free of that addiction, the City will not discipline the employee. Instead, the City will grant the employee a reasonable amount of unpaid time off (which will be counted FMLA leave and which in no case will exceed twelve weeks) in which to complete rehabilitation. At the end of that period, if the employee presents written proof that he/she has completed a rehabilitation program offered by healthcare professionals possessing the accreditation and expertise necessary to provide that service, the City will reinstate the employee to his/her position.

The City's policy of withholding discipline where employees voluntarily seek help does not extend to employees who seek help only after the City learns that they have violated the City's policy regarding drugs and alcohol. In addition, the City's policy of withholding discipline does not extend to employees who violate the drugs and alcohol policy while obtaining treatment or upon their return to work.

5. Drug Testing: Although the City has not found it necessary to conduct testing, employees should be aware that the City may conduct such tests in the future under the following circumstances.
 - a. Employees subject to testing:
 - (1) Employees in safety-sensitive positions are subject to drug testing at random.
 - (2) The City may test any employee if it has a reasonable good faith suspicion that the employee is abusing illegal drugs.
 - b. If an employee refuses to be tested, he/she may be subject to discipline up to and including discharge.
 - c. If an employee tests positive, he/she may be subject to discipline up to and including discharge.

HIPAA PRIVACY RULE

HIPAA stands for the Health Insurance Portability and Accountability Act of 1996. The Privacy Rule governs “protected health information” about any employee. The Personnel Manager is the official privacy officer for the City of Nitro. All records of health information received about an employee will be kept confidential. Any employee has a right to access or copy any of his or her “protected health information” that might be a part of his or her record with the City of Nitro.

TRAVEL EXPENSES

Approval for out-of-town travel on City business must be obtained from the appropriate Department Supervisor, preferably thirty (30) days in advance of departure. The employee must complete and submit the occasion for the travel, location, and proposed expense for the travel.

Travelers using commercial airlines are expected to make advance bookings to secure the least expensive airfare possible. The Technology Manager will be responsible for securing these arrangements.

Employees should make every effort to travel on a regularly scheduled working day. In the event that travel should occur on an unscheduled workday or holiday, the employee will document the time to the Personnel Manager and arrange FLEX time off within the payday to compensate for the travel time.

Eligible travel expenses include economical lodging, taxi or bus service, common carrier (coach or tourist class fare) or private car, road toll charges, parking charges, convention registration and \$45.00 per diem meal charges.

Meal expenses for single day travel are not reimbursable unless the travel time exceeds 12 hours, in which case a \$10.00 maximum charge may be submitted for reimbursement.

The following items are not eligible for reimbursement:

- 1) Alcoholic beverages
- 2) Entertainment
- 3) Purchase of personal items
- 4) Charges for accompanying family members or friends
- 5) Costs not incidental to performance of official business

Form of Payment for Business Travel:

Travelers should use the corporate charge card issued by the City of Nitro for business related travel expenses. No personal purchases are permitted on this account. The City

and its agencies have reason to expect their employees to observe a standard of conduct, which will not reflect discredit upon the integrity of their employees.

- (1) Within seven (7) days of return from trip, a completed expense account form must be submitted with receipts attached for lodging, common carrier travel, gasoline purchases (when applicable), toll road receipts and parking receipts.
- (2) Reimbursement for use of a privately owned vehicle for authorized out-of-town travel shall be limited to the cost of common carrier service. Where it has been determined that travel by private car is more advantageous to the City than travel by common carrier, reimbursement shall be made at the current rate of the Internal Revenue Service (IRS) per mile. This determination is not required in connection with reimbursement for trips to nearby communities to carry out normal operating functions. Whenever private automobile travel is involved, records of mileage, taken from the odometer reading, shall be submitted, and approved. If two or more employees travel in the same vehicle, only one of these persons shall be reimbursed for mileage or for car expenditures.
- (3) All travel expenses shall be recorded, signed by the traveler, and approved by the City Treasurer prior to reimbursement.
- (4) When travel is performed by privately owned automobile, the voucher must indicate the mileage taken from the odometer reading at the start and completion of each business travel period. Reimbursement rate is the IRS rate per mile.
- (5) In the event a family member or friend accompanies the employee on a trip, no portion of his/her expenses will be reimbursed. The single room rate will be reimbursed only if the trip is overnight.
- (6) If a City vehicle is used for transportation, the vehicle may only be used with the approval of the Mayor or Department Head.

Cash Advances for Employees:

Upon approval by the City Recorder or Mayor, cash advances may be received by employees for business travel for the payment of registration fees and/or daily miscellaneous expenses where the City corporate charge card is not accepted. Cash advances may be issued for: (a) out-of-state travel; (b) a minimum of four (4) days and a maximum of the number of days approved for travel at the rate of \$45.00 per day for miscellaneous expenses; (c) the exact amount of registration fee which is \$100.00 or more; (d) the total estimated expenses for an employee or employee group; and/or (e) other circumstances approved by the City Recorder or Mayor.

Settlement of Cash Advances:

All cash advances must be settled by the individual traveler, and spending unit within three (3) working days after completion of travel. Such settlement shall be submitted by

the spending unit to the City Personnel Office for final settlement within the time frame prescribed by the City Treasurer's Office.

A request shall be completed with the date, vendor, and type of receipt for which the cash was used. Receipts must accompany the request.

Failure to settle a cash advance within the time frame prescribed by the City Treasurer's Office may result in suspension of cash advance privileges or other discipline.

Reimbursement of Employee Expenses:

Employees may complete a reimbursement form for expenses incurred during official travel for the City. Information for reimbursement will include date, vendor, and type of expense. Receipts must accompany the reimbursement request.

The City of Nitro shall provide credit cards for supervisors and managers that have travel and training budgets. The cards shall be approved by the Mayor or City Treasurer and shall be used expressly for City-authorized expenses. Any expense over \$250 shall require an approved purchase order, with copy to the Payables Manager. The Mayor may approve a purchase order. Any travel and training opportunities shall be approved by the Department Supervisor and the Mayor.

EMPLOYEE HANDBOOK RECEIPT AND ACKNOWLEDGEMENT

I have received a copy of the City of Nitro's Personnel Policy dated the _____ day of _____, _____.

I acknowledge that I understand that I am an "at will" employee of the City of Nitro, which means that I can leave my job at any time for any reason, or for no reason; and also means that the City of Nitro can terminate me at any time for any reason, or for no reason. I also understand that nothing in this handbook is intended to be a contract which changes the "at-will" nature of my employment.

The handbook contains policies and rules, which apply to me. I agree to read the Handbook and follow it during my employment with the City of Nitro. If I have any questions, I understand that it my responsibility to inquire with my Department Head or City Hall personnel. I further understand it may be amended at any time, with or without notice. In that case, changes will be communicated to me.

Employee Signature

Employee Printed Name

Date

**Please keep a copy of this acknowledgment for your records.

COMPLAINT

HARASSMENT

NAME OF COMPLAINANT: _____

TITLE: _____

ADDRESS: _____

CITY	STATE	ZIP
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TELEPHONE: _____

DATE OF OCCURRENCE: _____

EMPLOYEE'S DEPARTMENT: _____

NAME OF EMPLOYEE ACCUSED: _____

TITLE: _____

SPECIFIC NATURE OF HARASSMENT:

HOW LONG HAS THIS OCCURRED?:

LIST OF ANY WITNESSES:

HAS EMPLOYEE PREVIOUSLY REPORTED SEXUAL HARASSMENT? _____

TO WHOM: _____

WITNESSES: _____

REPORTING ON THE JOB INJURY ACKNOWLEDGEMENT

I have read the Company Policy for Reporting an On-The-Job Injury or Illness information and agree to comply with the stated company policy.

Employee (Print)

Date

Employee (Sign)

Date