



# CITY COUNCIL

## AGENDA BILL # AB22-0018

City of Algona  
200 Washington Blvd.  
Algona, WA 98001

### ITEM INFORMATION

<b>SUBJECT:</b>  <b>Algona Policy Manual Chapters 1 Role and Authority, 2 Organization and Administration, and 5 Records and Documents.</b>	<b>Agenda Date: April 11th, 2022</b>		
	<b>Department/Committee/Individual</b>	<b>Created</b>	<b>Reviewed</b>
	Mayor		
	City Administrator		X
	City Attorney		
	City Clerk		X
	Finance Dept		
	PW/Utilities		
	Planning Dept		
	Community Services		
<b>Cost Impact:</b>	Police Dept		
<b>Fund Source:</b>	Finance Committee		
<b>Timeline:</b>	Planning Commission		
	Civil Service Committee		

**Staff Contact: Jessica Griess, City Clerk**  
**Attachments: Algona Policy Manual Draft Chapters 1, 2, and 5**

**SUMMARY STATEMENT:**  
 Here are chapters 1, 2, and 5 from our drafting of an updated policy manual. Chapter 1 Role and Authority covers the purpose and scope of the manual, definitions, and code of conduct. Chapter 2 Organization and Administration includes City technology use, ADA compliance, Emergency Management, classification of positions, and more. Chapter 5 Records and Documents covers personnel records, protected information, and release of records.  
 This is the second look at these policies.

**COMMITTEE REVIEW AND RECOMMENDATION:**

**RECOMMENDED ACTION:**

### RECORD OF COUNCIL ACTION

<i>Meeting Date:</i>	<i>Action:</i>	<i>Vote:</i>

## Chapter 1 - Role and Authority

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## Policy Manual

### 100.1 PURPOSE AND SCOPE

The manual of the City is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

### 100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time.

#### 100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

The provisions of this manual do not supersede the provisions of any collective bargaining agreements or Civil Service rules and regulations, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules and regulations will prevail.

### 100.3 AUTHORITY

The Mayor, as appointing authority, has general control and supervision over the affairs of the City. The City Administrator, following consultation and approval by the Mayor, has the authority to establish such other procedures and guidelines necessary for the control and supervision of the affairs of the City.

The City Administrator, following consultation and approval by the Mayor, has the authority to remove "at-will" employees; and may remove union employees for cause as provided by the collective bargaining agreement or Civil Service rules and regulations.

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**100.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Elected official** - Any individual who serves in the City government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

**Employee** - Any person employed by the City, including:

- Full- and part-time employees.
- Appointed personnel. This does not include persons appointed to fill an elected official vacancy.
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**Manual** - The City Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation

**Employment-At-Will** - Some employment with the City of Algona is at-will, which means that both employees and the City of Algona may terminate the employment relationship at any time, with or without notice, with or without cause, for any reason whatsoever. The City of Algona does not promise that the employment relationship will continue for a set period of time or specific term, or that the employment relationship can be terminated only under particular circumstances. The City of Algona reserves the right to exercise its discretion to change an employee's rate of pay, hours of work, benefits, and job duties, and to impose disciplinary action when warranted.

**Employment Represented** -      Some employment with The City of Algona is considered represented which means that some employees are part of a collective bargaining unit and can bargaining with the city for certain working conditions such as wages and benefits consistent with all local, state, and federal law governing collective bargaining rights and responsibilities of public employees.

### **100.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all employees on the city network for viewing and printing. No changes shall be made to the manual without authorization from the City Administrator or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the City Administrator or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **100.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The City Administrator will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **100.7 REVISIONS**

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All city employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the City Administrator as appropriate.

### **100.8 GUIDELINES**

- (a) **Administrative Guidelines:** The City Administrator, following consultation and approval by the Mayor, has the authority to issue additional administrative policies as may be necessary to carry into this Personnel Policy, except as otherwise provided by Revised Code of Washington and/or ordinance.
- (b) **Department Guidelines.** Department Directors, upon approval of the City Administrator, may create guidelines more specific to their respective department operations consistent with collective bargaining agreements and civil service rules, if applicable. Departmental guidelines or directives will not conflict with or supersede any provisions of this Personnel Policy. In the event of any conflict, the City Personnel Policy prevails. Department guidelines will be posted and employees put on notice of their existence and content.

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## Standards of Conduct for Elected Officials

### 101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

#### 101.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 101.2 POLICY

Elected officials of the City are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the City shall be based on conduct that reasonably conforms to the guidelines in this policy.

### 101.3 UNLAWFUL DIRECTIVES

Elected officials should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or city policy. Elected officials should not make new commands that conflict with any previous command without making reasonable clarification that the new command is intended to countermand the earlier command.

### 101.4 GENERAL STANDARDS

Elected officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules.

Elected officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

### 101.5 ETHICS

Elected officials should avoid engaging in the following conduct:

- (a) Using one's status as an elected official of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrong or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with, the City, or contrary to the rules of this city and/or laws of the state.

*Standards of Conduct for Elected Officials*

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- (d) Offer or acceptance of a bribe or gratuity.
- (e) Misappropriation or misuse of public funds, property, personnel, or services.
- (f) Any other failure to abide by the standards of ethical conduct.

**101.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Elected officials should not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

**101.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE**

Elected officials should avoid:

- (a) Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- (c) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using city resources for campaign or other political purposes.

**101.8 CONFLICTS OF INTEREST**

Elected officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Elected officials should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected officials should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

**101.9 ETHICAL COMPLIANCE DOCUMENTATION**

Elected officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

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**101.10 OUTSIDE EMPLOYMENT**

Elected officials should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.



## Standards of Conduct for All Employees

### 102.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this city or an employee's supervisor.

#### 102.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 102.2 POLICY

The continued employment or appointment of every employee of the City shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

### 102.3 GENERAL STANDARDS

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### 102.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the city's ability to effectively serve the public.

*Standards of Conduct for All Employees*

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102.4.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in city manuals.
- (b) Disobedience of any lawful direction or order.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

102.4.2 ETHICS

- (a) Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the City.
- (d) Acceptance of fees, gifts, or money contrary to the rules of this city and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Any other failure to abide by the standards of ethical conduct.

102.4.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

102.4.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- (b) Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

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102.4.5 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.

102.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this city for personal or financial gain or without the express authorization of the City Administrator or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (d) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

102.4.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during work hours or assignments.
- (e) Failure to notify the City within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

102.4.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

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- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any city record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any city-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this city or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this city or subverts the good order, efficiency, and discipline of this city or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on city premises.
  - 2. At any work site, during work hours, or while using any city equipment or system.
- (g) Improper political activity, including:
  - 1. Unauthorized attendance during work hours at official legislative or political sessions.
  - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on city property except as expressly authorized by city policy, an employment agreement or contract, or the City Administrator or the authorized designee.
- (h) Engaging in political activities during work hours except as expressly authorized by city policy, any employment agreement or contract, or the City Administrator or the authorized designee.
- (i) Any act that brings discredit to this city.

102.4.9 CONDUCT

- (a) Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.
- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the City.

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- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the City.
- (g) Unauthorized possession of, loss of, or damage to city property or the property of others or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of city property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of city property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the City Administrator or the authorized designee of such action.
- (k) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this city, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the City or its employees.

102.4.10 SAFETY

- (a) Failure to observe or violating city safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- (d) Unsafe firearm or other weapon handling, including loading or unloading firearms in an unsafe manner.
- (e) Carrying, while on the premises of the work site, any firearm or other weapon that is not authorized by law or the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

102.4.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.

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- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.

## Chapter 2 - Organization and Administration

## Electronic Mail

### 200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the City.

### 200.2 POLICY

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

### 200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

### 200.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the City.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire City are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

### 200.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.



## Information Technology Use

### 201.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of city information technology resources, including computers, electronic devices, hardware, software, and systems.

#### 201.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the City that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the City or city funding.

**Hardware** - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file, or file** - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

### 201.2 POLICY

It is the policy of the City that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the City in a professional manner and in accordance with this policy.

### 201.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city computer system.

The City reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the City, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all key strokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

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**201.4 RESTRICTED USE**

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

**201.4.1 SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any city computer. Employees shall not install personal copies of any software on any city computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

**201.4.2 HARDWARE**

Access to technology resources provided by or through the City shall be strictly limited to city-related activities. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

**201.4.3 INTERNET USE**

Internet access provided by or through the City shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

**201.4.4 USE DURING NON-WORK HOURS**

Employees shall only use technology resources provided by the City during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting,

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email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

### **201.5 PROTECTION OF SYSTEMS AND FILES**

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

### **201.6 INSPECTION AND REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the City involving one of its employees or an employee's duties, an alleged or suspected violation of any city policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the city computer system when requested by a supervisor or during the course of regular duties that require such information.

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## Local Government Use of Social Media

### 202.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the City is consistent with the City mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by city employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this city.

#### 202.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

### 202.2 POLICY

The City will use social media as a method of effectively informing the public about city services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

### 202.3 AUTHORIZED USERS

Only employees authorized by the City Administrator or the authorized designee may utilize social media on behalf of the City. Authorized employees shall use only city-approved equipment during the normal course of duties to post and monitor city-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The City Administrator may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over city social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

### 202.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the City mission, and that conforms to all city policies regarding the release of information may be posted. Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

**202.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the City Administrator or the authorized designee will be responsible for the compilation of information to be released.

**202.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (e) Any information that could compromise the safety and security of city operations, employees of the City, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this city's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

**202.5.1 PUBLIC POSTING PROHIBITED**

City social media sites shall be designed and maintained to prevent posting of content by the public.

The City may provide a method for members of the public to contact city employees directly.

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**202.6 MONITORING CONTENT**

The City Administrator will appoint a supervisor to review, at least annually, the use of city social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

**202.7 RETENTION OF RECORDS**

The City Administrator should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

**202.8 TRAINING**

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on city sites.

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## Subpoenas and Court Appearances

### 203.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court. It will allow the City to cover any related work absences and keep the City Administrator informed about relevant legal matters.

### 203.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

### 203.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the City or any of its employees may do so.

#### 203.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the City or the prosecutor shall notify their immediate supervisors without delay regarding:

- (a) Any civil case where the City or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the City.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the City.

The supervisor will then notify the City Administrator and the appropriate prosecuting attorney if applicable. The City Administrator should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

#### 203.3.2 WORK-RELATED SUBPOENAS

The City will compensate employees who appear in their official capacities on matters arising out of their official duties.

The City should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

## *Subpoenas and Court Appearances*

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### 203.3.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the City will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### 203.4 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### 203.5 COURTROOM PROTOCOL

When appearing in court, employees shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress and prepared to proceed immediately with the case for which they are scheduled to appear.
- (c) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

#### 203.5.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court.

#### 203.5.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, that employee should notify the Custodian of Records promptly after receiving the subpoena that the specified records are needed for court.



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## Limited English Proficiency Services

### 204.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 204.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the City to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Qualified bilingual employee** - An employee of the City, designated by the City Administrator or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 204.2 POLICY

It is the policy of the City to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

The City will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

### 204.3 LEP COORDINATOR

The City Administrator or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

- (a) Coordinating and implementing all aspects of the city's LEP services to LEP individuals.

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- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
  - 1. Languages spoken.
  - 2. Contact information.
  - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
  - 1. Content on the city website should be included in this review and should be translated on the website, if appropriate.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the City in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding city LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to city services, programs, and activities.
- (k) Requiring third parties providing city services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

**204.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that employees could encounter, the City will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and

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circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by city employees, or who may benefit from programs or services within the jurisdiction of this city.
- (b) The frequency with which LEP individuals are likely to come in contact with city employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

### **204.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The City will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The City will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept city-provided LEP services at no cost, or they may choose to provide their own.

City-provided LEP services may include but are not limited to the assistance methods described in this policy.

### **204.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the city website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

### **204.7 AUDIO RECORDINGS**

The City may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **204.8 QUALIFIED BILINGUAL EMPLOYEES**

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established city procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services

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must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not available, personnel from another department who have been identified as having the requisite skills and competence may be requested.

#### **204.9 AUTHORIZED INTERPRETERS**

Any person designated by the City to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

##### **204.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The City may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of another department within the City.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.

##### **204.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the City to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the

## *Limited English Proficiency Services*

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **204.10 CONTACT AND DOCUMENTATION**

Although all public contacts, services, and individual rights are important, this city will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this city is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the City or some other identified source.

### **204.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The City will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

#### **204.11.1 EMERGENCY ASSISTANCE**

City employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

### **204.12 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this city are important to the ultimate success of local government and achievement of the city's mission. This city will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

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**204.13 TRAINING**

To ensure that all employees who may have contact with LEP individuals are properly trained, the City will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

**204.13.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Authorized interpreters will receive annual refresher training.

## ADA Compliance

### 205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

#### 205.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The employee designated by the City Administrator to coordinate the City's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**Power-driven mobility device** - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### 205.2 POLICY

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

### 205.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
  1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
  1. Inspection of current city buildings and facilities to identify access issues.
  2. Review of current city services, activities, and programs for access issues.
  3. Assessment and update of current compliance measures.
  4. Identification of recurring areas of complaint for which new methods of modification should be considered.
  5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.
  6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.



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- (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
  - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
- (l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

### 205.4 REQUESTS

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

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If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 205.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  1. A substantial alteration of the service, program, or activity.
  2. An undue financial or administrative burden on the City.
  3. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  4. A threat to or the destruction of the historic significance of an historic property.
  5. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  1. Reassigning services, programs, or activities to accessible buildings or facilities.
  2. Utilizing technology, equipment, rolling stock, or other conveyances.
  3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
  4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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### 205.4.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

### 205.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

## 205.5 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

### 205.5.1 INQUIRIES REGARDING MOBILITY DEVICES

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

## 205.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

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The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

### 205.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, and service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, and service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services.

Persons with disabilities may choose to accept city-provided assistive devices, auxiliary aids, and services, or they may choose to provide their own.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

### 205.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

### 205.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

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- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

### 205.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### 205.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 205.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

## ADA Compliance

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- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### 205.6.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

### 205.7 SERVICE ANIMALS

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

#### 205.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

## *ADA Compliance*

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### **205.7.2 INQUIRIES REGARDING SERVICE ANIMALS**

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

### **205.7.3 CONTACT WITH SERVICE ANIMALS**

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

### **205.7.4 REMOVAL OF SERVICE ANIMALS**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

## **205.8 WEBSITE ACCESS**

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice.

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

## ADA Compliance

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### 205.9 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

### 205.10 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

### 205.11 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.



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## Emergency Management Plan

### 206.1 PURPOSE AND SCOPE

This policy addresses the preparation, maintenance, and activation of the city's emergency management plan.

### 206.2 POLICY

The City will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management plan.

### 206.3 CITY RESPONSIBILITIES

The City Administrator should designate a person responsible for the city's emergency management plan and the coordination with applicable local and state departments and entities for disaster planning, mitigation, response, and recovery efforts.

### 206.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The emergency management plan should include direction on how to activate the emergency management plan and who can activate it in response to a major emergency.

#### 206.4.1 RECALL OF PERSONNEL

In the event that the emergency management plan is activated, all employees of the City are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

### 206.5 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

Copies of the emergency management plan should be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management plan and assist employees in familiarizing themselves with the roles they will play when the plan is implemented.

### 206.6 EMERGENCY MANAGEMENT PLAN REVIEW

The City Administrator or the authorized designee should review the emergency management plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The City Administrator or the authorized designee should appropriately address any needed revisions.

### 206.7 TRAINING

The City should provide training on the emergency management plan for appropriate personnel. Training should incorporate a full or partial exercise or a tabletop or command discussion

## Volunteers

### 207.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

#### 207.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

### 207.2 POLICY

It is the policy of the City that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

### 207.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

- (a) Residency in the City.
- (b) The ability to meet any necessary age requirements.
- (c) Possession of a valid driver's license, if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.
- (f) The ability to meet physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

The City Administrator may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

#### 207.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

## *Volunteers*

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### **207.4 RECRUITMENT, SELECTION, AND APPOINTMENT**

The City shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this city.

#### **207.4.1 RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis consistent with city policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the City in serving the public.

Requests for volunteers should be submitted in writing by interested city employees to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All city employees should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

#### **207.4.2 SELECTION**

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation or screening.

#### **207.4.3 APPOINTMENT**

Service as a volunteer with the City shall begin with an official notice of acceptance or appointment by the City Administrator or the authorized designee. Notice may only be given by an authorized representative of the City, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the City.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

Volunteers serve at the discretion of the City Administrator.

### **207.5 IDENTIFICATION AND DRESS CODE**

As representatives of the City, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

## Volunteers

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Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. Identification symbols worn by volunteers shall be different and distinct from those worn by city employees through the inclusion of "Volunteer" on the uniform.

Certain volunteers may be issued city identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard city identification cards, except that "Volunteer" will be indicated on the cards.

### **207.6 PERSONNEL WORKING AS VOLUNTEERS**

Qualified regular city personnel, when authorized, may also serve as volunteers. However, this city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the volunteer coordinator should consult with the City Administrator or the authorized designee prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

### **207.7 VOLUNTEER COORDINATOR**

The volunteer coordinator should be appointed by the City Administrator or the authorized designee.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the City, and to direct and assist efforts to jointly provide more productive volunteer services. Volunteers serve under the general direction of the supervisor in charge of the volunteer's assignment but report to the volunteer coordinator.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers.
- (b) Conducting volunteer meetings, as appropriate.
- (c) Establishing and maintaining a volunteer callout roster, as necessary.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers.

## Volunteers

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An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

### **207.8 RESPONSIBILITIES**

Volunteers assist city personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

#### **207.8.1 COMPLIANCE**

Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

#### **207.8.2 VOLUNTEER MEETINGS**

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

### **207.9 TASK-SPECIFIC TRAINING**

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the City and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the City. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the City.

#### **207.9.1 VOLUNTEER TRAINING MATERIALS**

Volunteers will be issued training materials when necessary, based upon the volunteer assignment. The materials should outline the subject matter and skills necessary to properly

## Volunteers

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function as a volunteer with the City. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

### **207.10 SUPERVISION**

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

#### 207.10.1 EVALUATIONS

A volunteer will be considered a trainee until training has been satisfactorily completed. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the assignment and authorities granted to that volunteer.

#### 207.10.2 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

### **207.11 INFORMATION ACCESS**

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by city policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required

## Volunteers

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to sign a nondisclosure agreement before being given an assignment with the City. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the City, or maintain that they represent the City in such matters without permission from the proper city personnel.

### 207.11.1 RADIO USAGE

Any volunteer who operates city radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

### 207.12 EQUIPMENT

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

### 207.12.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving. The specific training and course of study shall be determined by the volunteer coordinator and supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- (a) A driving safety briefing and, if necessary to the volunteer position, a city-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The volunteer coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating city vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate marked law enforcement or other emergency operation vehicles unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate city vehicles while using the vehicle's emergency equipment (e.g., emergency lights, siren).

### 207.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

## *Volunteers*

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Volunteers are considered at-will and may be removed from service at the discretion of the City Administrator or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the City Administrator or the authorized designee.

Volunteers may resign from volunteer service with the City at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

### 207.13.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the City.



## Employment Represented

### 208.1 DEFINITION

Some employment with The City of Algona is considered represented which means that some employees are part of a collective bargaining unit and can bargaining with the city for certain working conditions such as wages and benefits consistent with all local, state, and federal law governing collective bargaining rights and responsibilities of public employees.

### 208.2 SERVICE

Only the Mayor of the City of Algona has the authority to enter in an agreement with a collective bargaining unit for any specified length of time. Also, the mayor and/or their designee can negotiate with a bargaining unit for terms of a collective bargaining agreement. Any such agreement must be in writing and signed by the mayor And approved by City Council in order to be valid

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## Employment-At-Will

### 209.1 DEFINITION

Some employment with the City of Algona is at will, which means that both employees and the City of Algona may terminate the employment relationship at any time, with or without notice, with or without cause, for any reason whatsoever. The City of Algona does not promise that the employment relationship will continue for a set period of time or specific term, or that the employment relationship can be terminated only under particular circumstances. The City of Algona reserves the right to exercise its discretion to change an employee's rate of pay, hours of work, benefits, and job duties, and to impose disciplinary action when warranted.

### 209.2 SERVICE

Only the Mayor of the City of Algona has the authority to enter into any agreement for employment for any specified length of time that is contrary to the policy of at-will employment. Any such agreement must be in writing and signed by the mayor in order to be valid unless otherwise subject to the terms and conditions of a collective bargaining agreement, if any. Nothing in this manual or in any oral or written statement shall limit the right to terminate employment at-will.

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## Reasonable Accommodations for Religious Beliefs and Practices

### 210.1 PURPOSE AND SCOPE

The City of Algona will reasonably accommodate employee's religious beliefs and practices (as defined under applicable law). If an employee has a religious belief or practice for which he or she needs accommodation, he/she must notify their manager and the Department of Human Resources as soon as possible to determine whether the religious belief or practice can be reasonably accommodated.

### 210.2 SERVICE

Upon receipt of a request for accommodation, the mayor and the employee's manager will meet with the employee to identify what accommodation may be needed and whether the accommodations are reasonable. The mayor, in conjunction with appropriate management staff, have a need to know, such as the employee's manager, who will determine the reasonableness of potential accommodations.

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## Travel and Expense Reimbursement

### 211.1 PURPOSE AND SCOPE

To ensure consistency, the following guidelines have been developed to document and clarify what are allowable business expenses. If an employee is unsure of what to expense, please discuss it with the Department Manager, Accounts Payable (AP), or Human Resources. Reimbursement of expenses incurred for travel will be made only for official city business. Non-exempt employees are paid for travel, even on days off, that occurs during their normal work hours. Non-exempt employees who have a special one-day assignment outside the jurisdiction will be paid for travel time outside of normal work hours that exceed their normal commute if payment is required. The area of operation is defined, for the purpose of this policy, as King County jurisdiction (see Definitions). Travel outside the jurisdiction will be authorized in advance by Department Director. Properly prepared and executed travel vouchers must be presented before reimbursement will be authorized. All reimbursement will be subject to the regulations delineated in this policy.

Reimbursement for mileage in a personal vehicle will be at the rate approved by the Internal Revenue Service for tax purposes.

### 211.2 DEFINITIONS

**Day Travel:** Travel inside or outside the city's operating area of operation that does not include an overnight stay.

**Overnight Travel:** Travel outside of the County that exceeds twelve hours and includes an overnight stay.

**Designee:** An employee authorized by the Executive Director or designee to approve travel, lodging, meal, or another expense reimbursement.

**Emergency:** The occurrence of unforeseen or exigent circumstances that may result in harm to the public good or one's immediate family and must be authorized by the Assistant Executive Director or designee.

**Official City Business:** Business that relates directly to a person's work function and that benefits the city.

**Combined Official City Business and Personal Travel :** Business and personal travel may be combined; however, there can be no extra costs to the city.

**Per Diem Rate (GSA):** The rate offered to employees, consultants, representatives, and commissioners for travel while on official City business. These rates are part of Appendix A to Chapter 301 of the Federal Travel Regulation and updated on a fiscal year cycle, effective October 1 of each year (also known as CONUS rates).

**Travel Coordinator:** An employee designated as responsible for all air travel arrangements and non-local travel lodging, such as the Executive Assistant to the Executive Director.

*Travel and Expense Reimbursement*

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**211.3 PROCEDURE BEFORE DEPARTURE**

**Traveler responsibilities include the following:**

Complete the Training Request form for all conferences, workshops, seminars, both local and non-local.

- (a) Include vendor information for payment of the registration fee.
- (b) Obtain estimated lodging and airfare cost from the Travel Coordinator for non-local travel.
- (c) Sign the form and submit it to your manager for approval. Travel Request must be approved by your immediate manager and Department Director. Approval by the Deputy Executive Director must also be obtained if estimated expenses are over \$500.
- (d) After all required approvals, pre-register for conference or seminar.

**211.4 TRAVEL COORDINATOR RESPONSIBILITIES INCLUDE THE FOLLOWING:**

- The Travel Coordinator will arrange all City of Algona representatives and employee non-local travel.
- Conference registrations will be made by direct payment through Accounts Payable (AP).
- The Travel Coordinator will prepare a travel packet including transportation tickets and lodging verification for each individual approved for travel.

**211.5 PROCEDURES UPON RETURN**

- Within 15 days of returning from travel, the employee must forward to his or her manager for review/signature and then forward to the Finance Department for processing.
- Claims submitted by consultants, commissioners, or others acting officially on behalf of the city will be processed by the department they represented.

**211.6 EMERGENCY TRAVEL PROCEDURES**

The City Administrator or designee must approve all emergency situations before travel or, if unable, upon completion of travel.

**211.7 TRAVEL AUTHORIZATION**

A travel authorization is approved through the Board of Commissioners' budget process, as reflected in the Annual Comprehensive Budget or formally adopted revision; day or overnight travel shall be subject to Department Director approval.

## *Travel and Expense Reimbursement*

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If expenses are incurred without prior approval and no emergency exists, expenses will not be reimbursed. Emergency travel must be authorized in accordance with the city's definition.

Persons authorizing travel will ensure budgeted funds are available and the number of persons engaging in the travel activity is the minimum necessary to achieve the expected benefit to the city . The traveler provides information about the applicable travel as follows:

### **211.8 USE OF PERSONAL VEHICLE**

Use of an employee's personal vehicle for essential travel within the city's area of operation (when a city-owned vehicle is not available), should be authorized by a manager or Department Director.

The City representatives and employees are obligated to maintain a Mileage Travel Voucher for all miles spent traveling in their personal vehicle between their assigned workplace, home, or designated sites, whichever applies. Reimbursement will be at the mileage rate approved by the Internal Revenue Service for tax purposes. There is no reimbursement for commuting miles between the employee's home and their official workplace, even on days, the employee does not customarily work unless specified in a collective bargaining agreement.

When two or more employees are attending the same seminar, convention or meeting, every attempt should be made to car-pool using a city-owned vehicle, before using a personal vehicle.

The employee who is driving is considered to be working if carpooling at the employer's request or for the employer's benefit and will need to be paid for the time spent driving others.

### **211.9 TRAVEL COSTS**

When traveling, expenses will be handled as follows:

- Air travel outside the city's jurisdiction will be by the route most advantageous or at the lowest cost, e.g., the state contract.
- No air miles or any other type of transportation miles can be accrued as a benefit to any person covered under this policy.
- If a non-customary mode of transportation is used from the airport to the event site (e.g., limousine service), no expenses will be reimbursed. Individuals are encouraged to use hotel van service to and from the airport/event site, if possible.
- Transportation cost while on overnight stay will only be reimbursed to and from the airport and lodging, from lodging to event, or from lodging to the business function.
- Travel advances may be issued for meals, hotel or official business expenditures if approved by the manager/director and Finance department, and may be obtained 24 hours prior to departure (travel advances are highly unusual and non-customary).
- Travel advances may not, under any circumstances, be considered a personal loan to any city representative or employee. Any expenditure thereof, other than for official business purposes, will be considered a misappropriation of funds.

## *Travel and Expense Reimbursement*

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- When rental vehicles are authorized for a person conducting official business, government rates (state travel contract) will be utilized. All local travel vehicle rentals will be arranged through the Fleet Manager or Travel Coordinator as applicable.
- Mileage will be reimbursed when a private vehicle is used for official city business. Mileage reimbursements will be based on the Standard Mileage Rate allowed by the Internal Revenue Service.
- All travel must be arranged through the Travel Coordinator and all airline tickets will be purchased with issued city credit card, unless otherwise instructed.

### **211.10 LOCAL TRAVEL**

When travel is local, travel-related expenses will be handled as follows:

- Local travel will apply only to travel within the City's jurisdiction (see Definitions).
- Transportation between a person's home and official workplace is not reimbursable.
- The starting and ending location of local travel is the assigned office workplace.
- If an employee drives a personal vehicle from their last worksite of the day to his/her home, mileage is reimbursable between either home and last work site or office and last worksite, whichever is less.
- When automobile transportation is necessary, city-owned vehicles will be used where practical.
- The Finance Department is responsible for administering and announcing the current IRS mileage rate for business-related travel.
- Necessary ferry, toll charges, and parking costs will be reimbursed.
- When travel departure is after 9:00 am and return is prior to 5:00 pm on the same day, or when the travel period is less than six hours, no expenses other than transportation and expenses already identified in this section will be reimbursed.
- For non-exempt employees, hours worked and travel time includes and originates from the assigned office workplace.

### **211.11 LODGING AUTHORIZATION**

Lodging authorization will be handled as follows:

- Lodging authorization will be handled as follows:
  - Lodging authorization is subject to completion and approval of the department director.
  - Lodging reservations are made through the Travel Coordinator.
  - All attending conference members will be booked in the same hotel provided that adequate occupancy exists.
  - For seminars, conferences, or conventions, lodging will be reserved at the host hotel, provided adequate occupancy exists and/or prior approval. If no vacancy is available, the following will apply: the Travel Coordinator will research

## Travel and Expense Reimbursement

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comparably priced hotels in the Policies and Procedures general vicinity and if no adequate lodging is available within a reasonable price and distance of the event site, the Travel Coordinator will arrange an alternate lodging site. or seminars, conferences or conventions, lodging will be reserved at the host hotel, provided adequate occupancy exists and/or prior approval. If no vacancy is available, the following will apply: the Travel Coordinator will research comparably priced hotels in th

general vicinity and if no adequate lodging is available within a reasonable price and distance of the event site, the Travel Coordinator will arrange an alternate lodging site.

### **211.12 LODGING COSTS**

**Lodging costs will be prepaid by the city except in an emergency. Costs actually incurred are reimbursable as follows:**

- All non-business lodging will be at the expense of the employee or city representative.
- Expenses incurred during authorized stay other than for authorized travel expenses or in emergency situations, will not be reimbursed, i.e., all non- city business phone calls, movies, etc.
- A person is in overnight travel status.
- Lodging receipts are submitted.
- Lodging costs in the host city may be claimed from the night before an authorized event starts through the night before it ends, unless timely return transportation is not available, thereby necessitating additional lodging costs at a reasonable price (emergency only or prior approval).
- If the lodging receipt indicates a double occupancy charge, the traveler will only be reimbursed at the single occupancy rate unless the other occupant is a city employee performing

City business. Reimbursement will only be given to the holder of the lodging receipt.

### **Meals and Incidental Expenses**

Reimbursable expenses will be allowed for all reasonable subsistence expenses incurred during the authorized travel period and in general will include the following items:

- Necessary local ground transportation, including taxis.
- Necessary automobile rental.
- Necessary communication charges.
- Lodging and meals, not to exceed the travel policy reimbursement rate – see GSA rate.
- Baggage handling services when necessitated by physical limitations or when carrying excessive baggage or equipment required for official business-related purposes.



Travel and Expense Reimbursement

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All claims for reimbursement for local travel (mileage, ferry, fares, parking, toll charges, etc.,) will be submitted on the Travel Voucher when travel has been completed, or monthly if the employee uses his/her own vehicle on a regular basis. The mileage statement must be submitted to the employee's manager, Department Director or designee for approval of payment. The Director will then forward the mileage report to the Finance Department for processing.

**Non-Local Travel Status Expense Reimbursement**

- Expenses eligible for reimbursement will be for individuals on official business travel status.
- Meals and incidental expenses will be reimbursed at the established GSA per diem rate for the host city. The Travel Coordinator or the Controller can advise employees as to current city per diem rate.
- The per diem rate will only be approved for overnight travel and cover expenses such as meals, fees, and tips to baggage carriers, concierges, and hotel staff.
- The per diem rate is paid by the following percentages:

<b>Meal</b>	<b>% Per Diem</b>	<b>Time Frame</b>
Breakfast	20%	12:00 am – 11:00 am
Lunch	30%	11:01 am – 5:00 pm
Dinner	50%	5:01 pm – 11:59 pm

- The partial per diem rate is to be used on the day travel began or was completed using the above hours as guidelines. For example, travel begins at noon: lunch and dinner may be reimbursed.
- The partial per diem rate is also to be used when one or more meals are provided as part of the conference or travel arrangements (i.e., airlines).
- If less than the percentage per diem rate is applied for as a reimbursement, receipts must be provided. No more than the percentage (up to 100% for a full day) may be reimbursed.

Meal expenses incurred while on local travel status are not reimbursable, except when an integral part of a job-related seminar, conference, convention or training occurs during the meal and expense is required.

**Non-Reimbursable Meal and Refreshment Costs**

Meal and refreshment costs will not be paid by the city as a direct expenditure when:

- Meals are included in another expense, i.e., a seminar or conference (if required for medical reasons, inform Travel Coordinator in advance).
- Incurred for recreational or social events such as office, going away, retirement parties, or other personalized events.
- A violation of the State Constitution, Article VIII, Section 7, which prohibits a gift of public funds, would occur.

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- There is no reimbursement for alcoholic beverages.

**211.13 RESPONSIBILITIES**

- **Directors or designee/Travel Coordinator:** are responsible for reviewing and recommending approval and reimbursement for all local and non-local travel and for assuring that the necessary signatures are obtained in a timely manner.
- **Employees:** are responsible for minimizing actual expenses, keeping and submitting accurate records, and submitting a Travel Voucher within 15 calendar days after returning from travel.
- **Claims and Forms:** Claims and forms submitted by Commissioners will be processed the Travel Coordinator and forwarded to the Finance Department. Claims and forms submitted by consultants and others acting on behalf of city will be approved by the Department Director or designee and forwarded to the Finance Department.
- **Expense Control:** Managers and the Travel Coordinator are responsible for minimizing actual expenses and authorizing paid travel only for legitimate business reasons.
- **Finance Department:** The Finance Department will be the final authority for auditing and certifying all claims for accuracy and for conformance with policy. Any questions raised relative to “reasonableness” of a claim will be cleared with the Department Director.

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## Classification of Positions

### 212.1 CLASSIFICATION

All positions in City service are assigned to a classification. The classification may include a single position or a group of positions. These positions are sufficiently alike in duties, functions, and responsibilities such that the positions can be identified by the same classification title, use the same classification specification, and are assigned the same range of rates of pay. When the job responsibilities of an individual become sufficiently different from other members of the class, a position description may also be prepared.

### 212.2 PREPARATION AND MAINTENANCE

Classification specifications for each City position are prepared and maintained in such a manner that they accurately describe the duties and responsibilities of the positions and classifications. Classification titles are set by the City Administrator, following consultation and approval by the Mayor. The Payroll Department has the authority and responsibility to research, study, and propose necessary changes in classification specifications to the City Administrator. The City recognizes that duties evolve and change in a dynamic workforce, and that the classification system needs periodic reviews.

**Classification Compensation Review** - A periodic compensation review that reflects changes to external comparable will be performed by the Payroll Department. The Payroll Department will research the compensation data and the City Administrator/Mayor will review the recommended new compensation scale.

**Classification Specification Review** - Classification specifications will be reviewed annually as part of the employee's performance appraisal process with their supervisor to determine if an audit by the Payroll Department is warranted. An audit may also be requested by an employee, supervisor or the union at any time when there has been a significant change in the employee's job responsibilities. A classification audit will be conducted no more often than once per year. If the audit request is supported by the supervisor, it will be forwarded through the Department Director to the Payroll Department. The Payroll Department shall apprise the City Administrator of classification audit requests made to its office. If the Department Director does not support the audit request, the requesting party may appeal the decision to the Mayor.

### 212.3 REQUEST FOR RECLASSIFICATION

As changes occur in the responsibilities of a position, it is appropriate to the classification review to determine whether changes in the classification are justified. Such changes may result from gradual modifications and additions to the responsibilities of a class and/or from a departmental reorganization.

When the City determines that a new classification specification or reclassification of an existing position is necessary, the Payroll Department, with approval of the affected department, will prepare a new/revised classification specification and recommended salary range. For Union

## Classification of Positions

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positions, the City will submit to the Union, in writing, the classification specification and proposed salary range prior to implementation. The Union will have ten (10) working days to request, in writing, a meeting to negotiate with the City regarding the proposed salary. Such meetings will take place within ten (10) working days of the receipt of the request.

### **212.4 RECLASSIFICATION PROCESS**

- (a) A request for classification review begins only when the Department Director can clearly identify the changes in responsibilities that have occurred as a result of the reorganization, enhanced job duties, or changes in work complexity. The justification focuses on the content of the class that has changed;
- (b) Increases in work volume, outstanding performance, or admirable behavioral traits of the incumbent, although valued and important, are not relevant in a classification audit;
- (c) If an employee believes that their class title is no longer properly classified, the employee may request through their Department Director that a classification audit be performed;
- (d) The Department Director, in consultation with the Payroll Department, determines that the request meets the criteria and therefore has merit. Failure to meet the criteria may mean the Department Director does not support the request and may elect to change the duties back so that the employee is properly working within the current classification;
- (e) Reclassifications have budgetary impacts. Therefore, requests for classification audits should normally be started and completed before the commencement of the annual budget process. Department Directors are to plan their requests for position reclassifications so the audits can be completed no later than August 1 of each year for consideration in budget requests for the next fiscal year.
- (f) Reclassifications can be accomplished only upon the completion of a classification audit process, which follows the outline below:  
Step 1 - Reclassification Request - Requests for reclassifications are submitted in writing to Payroll Department through the employee's Department Director and the following information is included:
  - a. A copy of the most recently-approved class specification;
  - b. A detailed listing of specific additions, deletions, or changes that have been made subsequent to the position's responsibilities;
  - c. Any additional background material that the Department Director considers appropriate to document the change in the class regarding its complexity, skills, or accountability; and
  - d. If being requested by the employee, a completed Position Classification Questionnaire available from the Payroll Department.

Step 2 - Classification Audit Process - Upon receipt of the Department Director's written request, the Payroll Department conducts a classification audit involving the following steps:

- a. The Payroll Department reviews classification specification changes and incorporation of changes into a revised classification outlining basic functions, examples of work, required knowledge and skills, basic qualifications, and desirable training and experience;

### *Classification of Positions*

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- b. The Payroll Department reviews the revised class specification with the employee and the employee's immediate supervisor;
  - c. The Payroll Department reviews the revised class specification and identifies what changes in responsibilities would or would not justify the need to place the position in a higher or lower classification;
  - d. If appropriate, the Payroll Department will value the classification;
  - e. The Payroll Department then forwards the information and recommendation to the City Administrator, the affected Department Director, and employee; and
  - f. The City Administrator receives and considers the recommendations and determines the proper action, following consultation and approval by the Mayor.
7. Timeline - Classification audits are accomplished in a timely fashion. The audit and the response explaining the recommended action are delivered to the appropriate parties within a reasonable time, generally within sixty (60) working days of receiving the request.

#### 212.4.1 RECLASSIFICATION PROCEDURE.

- (a) Upon approval of reclassification, the position is assigned to the appropriate classification range. In the event classification is reclassified, then,
- (b) The incumbent employees in the existing classification, if qualified, will be placed directly into the reclassification. If not qualified, the incumbents will be allowed one (1) year to become qualified;
- (c) If the reclassification has a higher pay range, the employee will be paid at the same step in the new range. Reclassified employees will receive a new step date commencing at the date of the reclassification; and
- (c) If the reclassification has a lower pay range, the employee will be paid at the nearest step of the new range of their current salary, whichever is higher. In the event the current salary is higher, the salary will be frozen until such time as the new range exceeds the frozen salary, excluding cost of living increases, at which time the rate will conform to the top step of the new range.

#### 212.5 ESTABLISHMENT OF A NEW CLASSIFICATION SPECIFICATION

Requests for new classification titles, classification specifications, and position descriptions are submitted through the Department Director to the Payroll Department for consideration. Upon the City Administrator/Mayor's approval, the Payroll Department provides a new classification title, new classification specifications, or a new position description. An appropriate bargaining unit review will also be conducted. The City Administrator also directs the assignment of a proper

## *Classification of Positions*

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classification range. An employee may be retained in the classification title provided by the assignment of a new class title following the guidelines set forth in Section 212.4.1

### **212.6 REQUEST FOR A NEW CLASSIFICATION**

- (a) A Department Director, when requesting that a new position or classification be created, will provide the Payroll Department with the following information:
- (b) A full description of the duties, functions, and responsibilities of the position with an organizational chart showing its relationship to existing positions and classifications;
- (c) Suggested qualifications and title;
- (c) A statement explaining the impact and relationship of the new position or classification upon existing positions and classifications; and
- (d) Other information that would justify the need for the new position or classification.

### **212.7 CLASSIFICATION OF TEMPORARY EMPLOYEES**

For a temporary position, the Department Director may request a temporary title for the efficient operation of the department without a proper working classification title. The request is submitted to the Payroll Department and City Administrator and includes appropriate justifications, classification specifications, a position description, a recommended classification range, and a recommended rate of pay. Upon approval by the City Administrator, the Department Director may immediately fill the temporary position.

### **212.8 CLASSIFICATION OF EMERGENCY EMPLOYEES.**

Under emergency conditions that jeopardize public safety, the use of additional personnel not otherwise budgeted may be required. A Department Director, or the Department Director's designated representative, may employ the services of an emergency employee(s), with the prior approval of the Mayor. An emergency employee is placed in a proper classification range.

## Chapter 5 - Records and Documents

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## Records Maintenance and Release

### 500.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of city records. Protected information is separately covered in the Protected Information Policy.

### 500.2 POLICY

The City is committed to providing public access to records in a manner that is consistent with state public records laws.

### 500.3 CUSTODIAN OF RECORDS

The City Administrator shall designate a Custodian of Records . The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the City, including the retention, archiving, release, and destruction of city public records.
- (b) Maintaining and updating the city records retention schedule, including:
  1. Identifying the minimum length of time records must be kept.
  2. Identifying the city department responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing and making available to the public the records request process, to include the cost of inspecting or obtaining copies.

### 500.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any employee who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

#### 500.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) All requests should be made in writing or on a form supplied by the City.
- (b) Clarification may be sought if the request is unreasonably broad or unclear.
- (c) Inspection of records should be during regular business hours unless otherwise authorized by the Custodian of Records .



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### *Records Maintenance and Release*

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- (d) Records should be made available in a format readily accessible to the requester. Records may also be made available in a specific format requested and a fee charged for reasonable costs of any required processing.
- (e) Records should be provided or a denial provided to a requester within a reasonable period of time.
  - 1. If a delay in providing records is anticipated, the requester should be provided a written response with the reason for the delay and the anticipated date the records will be provided.
- (f) Fees should be charged as allowed by law and established by the City.
- (g) The City is not required to create records that do not exist.
- (h) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the city file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the city-approved media storage system and a notation should be made in the file to document the release and the reasons for the redacted portions.

#### **500.4.2 DENIALS**

The denial of a request for records should be documented and include:

- (a) A description of the records requested.
- (b) The specific reasons for the denial.
- (c) The name, title, and signature of the Custodian of Records .
- (d) The procedure to appeal the denial.

#### **500.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any city record, except as authorized by the City, and only when such use or disclosure is permitted or required by law to carry out a legitimate government purpose.
- (b) Certain personnel information, including but not limited to an employee's residential address and telephone number, Social Security number, marital status, medical history, confidential recommendations for employment, and performance evaluation history.
- (c) Records pertaining to internal investigations and disciplinary matters, including but not limited to complaints and other records relating to allegations of discrimination,

## *Records Maintenance and Release*

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harassment, or retaliation, until the investigation is complete or is made part of the official record of any hearing or court proceeding.

- (d) Certain 9-1-1 records.
- (e) Audio and video recordings obtained through use of body-worn cameras by law enforcement officers, except as provided by statute.
- (f) Certain concealed firearm license/permit information of an applicant.
- (g) Records concerning security plans, procedures, assessments, measures, or systems, and other records relating to the security of persons, structures, facilities, infrastructure, or information technology systems that could reasonably be expected to be detrimental to the public's safety or welfare.
- (h) Records pertaining to strategy or negotiations related to labor relations, employment contracts, or collective bargaining and related arbitration proceedings.
- (i) Drafts, notes, recommendations, or intra-governmental memorandums pertaining to the development of resolutions, regulations, statements of policy, management directives, ordinances, or amendments prepared by or for the City.
- (j) Records where disclosure would be detrimental to the best interests of the public.
- (k) Records pertaining to pending or potential litigation that are not records of any court.
- (l) Any other information that may be appropriately denied by federal or state law.

### **500.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas should be referred to the City Administrator or the authorized designee.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the City Administrator or legal counsel so that a timely response can be prepared.

### **500.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the city name and to whom the record was released.

Each audio/video recording released should include the city name and to whom the record was released.

### **500.8 SECURITY BREACHES**

Employees who become aware that any city records system may have been breached should notify the Custodian of Records as soon as practicable.

*Records Maintenance and Release*

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The Custodian of Records shall ensure any required notice of the breach is given.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Custodian of Records should promptly notify the appropriate employee designated to oversee the security of protected information (see the Protected Information Policy).

**500.9 EXPUNGEMENT**

The Custodian of Records shall review all court orders and other filings that pertain to the expungement or sealing of records for appropriate action. Once a record is expunged or sealed, employees shall respond to any inquiry as though the record did not exist.

**500.10 TRAINING**

Employees authorized to manage, release, or facilitate public access to city records should receive training that includes identification of material appropriate for release or public access and the city systems and procedures guiding such release and access.

## Protected Information

### 501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the City. This policy addresses the protected information that is used in the day-to-day operation of the City and not the public records information covered in the Records Maintenance and Release Policy.

#### 501.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored, or accessed by employees of the City and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local databases that is not accessible to the public.

### 501.2 POLICY

Employees of the City will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

### 501.3 RESPONSIBILITIES

The City Administrator should designate an employee of the City to coordinate the use of protected information, including:

- (a) Overseeing employee compliance with this policy and with requirements applicable to protected information.
- (b) Developing, disseminating, and maintaining procedures necessary to comply with any requirements for the access, use, dissemination, release, and security of protected information.
- (c) Developing procedures to ensure training and certification requirements are met.
- (d) Resolving specific questions that arise regarding authorized recipients of protected information.
- (e) Implementing security practices and procedures to comply with requirements applicable to protected information.

### 501.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, use agreement, city policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited.

*Protected Information*

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**501.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a lawful right to know and need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Custodian of Records for information regarding a formal request.

**501.6 SECURITY OF PROTECTED INFORMATION**

The City Administrator should designate an employee of the City to oversee the security of protected information, including:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Maintaining compliance with any federal, state, and local requirements pertaining to the security of protected information.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including cyberattacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the City Administrator and appropriate authorities.

**501.6.1 EMPLOYEE RESPONSIBILITIES**

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

**501.7 TRAINING**

All employees authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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## Personnel Records

### 502.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

### 502.2 POLICY

It is the policy of the City to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

### 502.3 PERSONNEL FILE

A personnel file shall be maintained as a record of a person's employment/appointment with this city. The personnel file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (d) Original performance evaluations.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the city file after the employee has had the opportunity to read and initial the comment.
  - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any employee response shall be attached to and retained with the original adverse comment.
  - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 502.4 DEPARTMENT, DIVISION, OR AGENCY FILE

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments,

## *Personnel Records*

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notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

### **502.5 TRAINING FILE**

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file.

### **502.6 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

### **502.7 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator or representatives of the City in connection with official business.

*Personnel Records*

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**502.7.1 REQUESTS FOR DISCLOSURE**

Any employee receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

**502.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS**

Employees may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Employees seeking the removal of any item from their personnel records should file a written request to the City Administrator. The City should remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the City should be retained with the contested item in the employee's corresponding personnel record.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

**502.9 RETENTION AND PURGING**

Personnel records shall be maintained in accordance with the established records retention schedule:

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the City Administrator.
- (c) If, in the opinion of the City Administrator, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.