

# Employment Handbook

## City of Baltic

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## **Section I: INTRODUCTION**

### **A. WELCOME**

On behalf of the Mayor and City Council of Baltic, South Dakota, we welcome you to our team! Whether you are an elected official, an appointed official, or hired to fill a specific staff position, you are an important part of the team of people entrusted with providing a wide range of municipal services to our citizens and visitors. We appreciate your service, and hope that this handbook will provide you with a wide array of information about your association and employment with the City of Baltic. If you have questions about the information contained in this manual, or questions about subjects not contained in this manual, please talk to your Department Head, the Municipal Finance Officer, the Mayor, or one of the City Council members.

### **B. ABOUT THIS HANDBOOK**

The purpose of this handbook is to document and communicate employment policies and procedures of the City of Baltic in order to promote and ensure a fair and equitable system of personnel management.

The Baltic City Council has adopted this handbook and has final authority over its interpretation and all subsequent amendments. The Municipal Finance Officer is responsible to administer this handbook. Each Department Head is responsible to implement these policies with regard to their respective department personnel. All employees, as well as all elected and appointed officials, are also responsible to follow these policies as they fulfill their job duties.

This handbook will not prohibit City Officers or Department Heads from formulating and implementing such other policies and procedures as may be necessary to further the goals of the City, insofar as they do not conflict with the provisions of this manual.

Should any policies and procedures of the City of Baltic conflict with Federal and/or state law, Federal and/or state law will prevail.

Nothing in this handbook shall be construed as a contract of employment between any individual and the City of Baltic.

This handbook replaces all previous personnel manuals, and is subject to change at any time by the Baltic City Council. Changes will be communicated to employees in a timely manner.

## **Section II: EMPLOYMENT**

### **A. EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City of Baltic to give equal employment opportunity to all qualified individuals without regard to race, religion, color, creed, national origin, sex, age (over 40), disability (of an otherwise qualified individual) or veteran status. It is our policy to base employment decisions, including recruitment, hiring, training, work assignments, performance evaluations, promotions, compensation and termination, on job-related criteria and qualifications. It is also our policy to comply with all employment laws and regulations established by federal law and South Dakota state law.

The City of Baltic expects all employees and officials to cooperate in creating a positive work environment, free from unlawful discrimination. We expect employees and officials to report any incidents or concerns of discrimination to either the Municipal Finance Officer or the Mayor. Supervisory and management personnel are required to report all complaints and/or suspected violations of this policy.

### **B. CLASSES OF CITY OFFICERS AND EMPLOYEES**

The City of Baltic has designated the following classes of officers and employees:

- Class 1: Elected Officers – consists of the Mayor and Aldermen.
- Class 2: Appointed Officers – consists of the City Administrator, the Municipal Finance Officer, the Maintenance Supervisor, the Building Inspector, the City Attorney, and such other Officers as the Mayor may choose to appoint pursuant to such state statutes as are pertinent to this authority. Officers in Class 2 who regularly work 40 hours a week or more are considered full-time exempt employees. They receive a regular salary and are exempt from the overtime provisions of the Fair Labor Standards Act.
- Class 3: Full-time Non-Exempt Employees – consists of all employees regularly scheduled to work 32 hours per week or more, paid on an hourly basis, and subject to the overtime provisions of the Fair Labor Standards Act.
- Class 4: Part-time Non-Exempt Employees – consists of those employees regularly scheduled to work less than 32 hours per week or on an irregular basis.
- Class 5: Seasonal Employees – consists of those employees expected to work any number of hours per week, but less than 26 weeks in any calendar year.
- Class 6: Salaried Employees with no set hours – consists of those employees retained for a certain dollar amount each month who do not work a set schedule or a set number of hours.

### **C. RECRUITMENT AND SELECTION**

It is the goal of the City of Baltic to recruit the best possible candidates to fill open positions. When positions open, they will generally be posted for a minimum of two weeks. Applicants will be required to submit a resume and/or complete a City application form and submit it to the Municipal Finance Officer.

### **D. PRE-EMPLOYMENT TESTING AND BACKGROUND CHECKS**

The City has the authority to conduct pre-employment testing, assessments and background checks of applicants. A physical examination and drug test may be required, depending on the position, and will be paid by the City. Criminal history checks, credit checks and motor vehicle checks may also be required.

## **E. EMPLOYMENT AT WILL**

In most cases, the relationship between the City of Baltic and its employees is termed an 'at-will' relationship, in accordance with South Dakota law. That means that either party may terminate the employment relationship at any time, with or without cause, and with or without notice. Nothing in this handbook or any verbal or written representation overrules this principle. No City official, Department Head or employee has the authority to assure a term of employment or to enter into an employment contract.

While either party may terminate the relationship at any time, it is certainly the goal of the City of Baltic to develop positive, productive and long-term relationships with our employees whenever possible. It is our intent to be a good employer, providing competitive wages and benefits along with a positive work environment.

The Municipal Finance Officer is an exception to this 'at-will' relationship, as state law dictates terms of employment for that position.

## **F. HIRING OF RELATIVES**

Close relatives of current employees and City officials will generally not be hired for regular full-time employment, and no person may be regularly employed or promoted in such a fashion as to place one employee in a supervisory position over a close relative. Close relatives, for purposes of this policy, are defined as spouse, child, parent, in-law, sibling, aunt, uncle, niece, nephew and first cousin.

## **G. WORKWEEKS AND WORKDAYS**

The normal workweek will start on Sunday and run through Saturday. Each Department Head will establish the normal workday for each of their employees. Employees are responsible for accurately tracking and submitting their work hours.

## **H. PERSONNEL RECORDS**

The City maintains employment records as required by law and as needed to maintain effective documentation throughout the employment relationship. It is your responsibility to keep the City informed of current and accurate personal information, including any changes in name, address, telephone number, marital status and number of dependents.

Employment records are City property, and the City has procedures in place to protect the privacy of information about current and former employees. We will not disclose nonpublic personal information about our current or former employees, except as permitted by law. We restrict access to information to those people with a need to know. We maintain physical, electronic, and procedural safeguards to guard the privacy of information.

If you wish to review the contents of your personnel file, you may schedule a time with the Municipal Finance Officer to do so.

## **Section III: COMPENSATION**

### **A. COMPENSATION PLAN**

The Mayor and City Council have the responsibility for establishing a compensation plan for the employees of the City of Baltic. The Municipal Finance Officer and Department Heads have the responsibility for administering that plan. Department Heads have the discretion to establish hourly wage levels for their employees within wage ranges established by the Mayor and City Council, subject to review and approval by the Mayor and City Council.

### **B. PAY PERIODS AND PAYDAYS**

Each month will have two paydays – the 15<sup>th</sup> day of the month and the final day of the month. Pay received on the 15<sup>th</sup> of the month will be for work performed from the 26<sup>th</sup> of the previous month through the 10<sup>th</sup> day of the month. Pay received on the last day of the month will be for work performed from the 11<sup>th</sup> through the 25<sup>th</sup> day of the month. When a normally scheduled payday falls on a holiday or a weekend, payday will be on the immediate preceding workday.

### **C. PAY RATES AND OVERTIME CALCULATION**

Class 1 and 2 employees receive a salary and are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Their regular salary covers all hours worked, including any hours exceeding 40 hours in a workweek.

Class 3, 4 and 5 employees receive an hourly rate of pay. They will also receive overtime pay at a rate of one-and-one-half times their regular hourly rate of pay for all hours worked in excess of 40 hours in a workweek. Overtime hours, however, must be pre-approved by the Department Head.

Class 6 employees also receive a salary, and may be exempt from overtime. They do not typically work a set schedule or a pre-determined number of hours.

### **D. FLEX TIME**

Department Heads may approve some flexibility in the weekly schedule of Class 3, 4 and 5 employees to accommodate appointments or special needs. An employee may work extra hours during one day to make up for hours missed on a different day, as long as it is within the same workweek. Flex hours are replaced one for one.

### **E. DEDUCTIONS**

The City will deduct from the paychecks of all employees the amounts due for federal withholding tax, Social Security and Medicare taxes, and such other deductions as required by law and/or as authorized by the employee.

The City will make a good-faith effort to comply with all federal and state regulations regarding compensation and deductions. If an employee ever believes the City has made a mistake in compensation or taken an improper deduction from pay, s/he should report it immediately to the Municipal Finance Officer or their Department Head. Reports of errors will be investigated and any mistakes will be corrected in a timely manner.

### **F. WAGE ADJUSTMENTS**

Individual wages will be reviewed on an annual basis. Any adjustments will be based on one or more of the following factors: job classification and responsibilities, job performance, cost of living adjustments, municipal budget constraints, and wage market analysis. Department Heads may submit recommendations for adjustment. All wage adjustments are subject to City Council approval.

## **Section IV: BENEFITS**

### **A. HEALTH INSURANCE**

The City of Baltic will contribute 100% of the cost of health insurance for eligible full-time employees. Coverage for spouse and/or children or other dependents shall be at the employee's expense. The specific dollar amount or percentage of premium cost will be established by the City Council on an annual basis.

### **B. RETIREMENT ACCOUNT**

Eligible employees participate in the South Dakota Retirement System (SDRS), subject to provisions of state law and plan documents. In this plan, employees contribute 6% of their pay and the City matches another 6% to the plan.

### **C. VACATION LEAVE**

Class 2, 3 and 4 employees are eligible to earn paid vacation on the following schedule.

- Full-time class 2 employees earn:
  - 10 days of vacation after each year of employment – years 0 – 5
  - 15 days of vacation after each year of employment – years 6 – 10
  - 20 days of vacation after each year of employment – years 10 and after
- Class 3 and 4 employees earn:
  - 1 hour of vacation for each 26 hours worked – years 0 – 5
  - 1 hour of vacation for each 17.33 hours worked – years 6 – 10
  - 1 hour of vacation for each 13 hours worked – years 10 and after

Vacation will begin accruing when employment begins, but vacation hours may not be used during the first six months of employment. Employees may not accrue more than 30 days, or 240 hours, of vacation.

Additional vacation time may be granted at the discretion of the City Council.

Vacation time must be scheduled as far in advance as possible. Class 2 employees must have their vacation time pre-approved by the Mayor and/or a Council member. Class 3 and 4 employees must have their vacation time pre-approved by their Department Head.

Upon termination of employment, any unused but accrued vacation time will be paid out with the next regularly scheduled pay.

## **D. SICK LEAVE**

Class 2, 3 and 4 employees are eligible to accrue paid sick leave as follows:

- Full-time class 2 employees accrue 10 days of paid sick leave for each year of employment, and may accrue up to 30 days, or 240 hours of sick pay.
- Class 3 and 4 employees accrue 1 hour of paid sick leave for every 52 hours worked, and may accrue up to 30 days, or 240 hours of sick pay.

Sick pay will begin accruing when employment begins, but paid sick hours may not be used during the first six months of employment. Employees may be required to provide verification from a health care provider explaining the employee's absence. Cash payment in lieu of sick leave will not be granted either during employment or upon termination of employment.

## **E. HOLIDAYS**

Full-time class 2 and class 3 employees will receive their regular pay for ten legal holidays plus any other day proclaimed by the Governor of South Dakota, President of the United States or approval by the City Council. Part-time class 4 employees who are scheduled on a holiday will be paid the equal number of hours as the previous 90-day average of daily worked hours.

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Native American Day
- Veterans Day
- Thanksgiving Day
- Christmas Eve & Day

When a designated holiday falls on a Saturday, the preceding Friday will be observed as the holiday; and when a designated holiday falls on a Sunday, the following Monday will be observed as the holiday.

If a Class 3 employee is required to work on a paid holiday, s/he will receive pay for work hours as well as for the holiday, unless they take off a different day with pay in lieu of the holiday. Any employee on unauthorized leave the day prior to a holiday or immediately following a holiday will not be paid for that holiday.

## **F. LEAVE WITHOUT PAY**

Leave without pay may be granted to employees needing to be away from their job when other leave options are exhausted or are unavailable. Situations requiring leave without pay may include but are not limited to maternity leave, extended medical leave when all other leaves are exhausted, family emergencies requiring an employee's attention, and educational leaves. Such leave may be granted only when it will not adversely affect the departmental operations of the city. Employees will not accrue sick leave or vacation leave while on leave without pay.

## **G. MATERNITY LEAVE**

If an employee takes time off for maternity leave, she may use earned sick leave, earned vacation leave, and leave without pay, in that order. She will be allowed up to six weeks of maternity leave following the birth of her child, or when providing documentation from her medical provider of the need for such leave.

## **H. JURY DUTY**

City employees called for jury duty will receive their normal compensation, less any jury pay received while absent from work.



## I. BEREAVEMENT LEAVE

Full-time employees are eligible for up to five days of paid leave in the event of the death of a spouse, child (including stepchild and grandchild), parent (including stepparent and grandparent), or sibling. In-laws (mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law and son-in-law) are also included. If you need additional time off, or if you are ineligible for bereavement leave, you may use paid vacation time or take the time off unpaid.

## J. MILITARY LEAVE

City employees who are subject to Reserve or National Guard obligations will be given time off to fulfill these obligations in accordance with state and federal requirements.

If a City employee is activated into full-time military service, that employee will be granted a leave of absence without pay by the City, and will be eligible for re-employment rights in accordance with provisions of the Military Selective Service Act and any related amendments.

## K. WORKER'S COMPENSATION

The City provides Worker's Compensation insurance for all City employees. In the event of a workplace injury or illness, notify your Department Head immediately. A **South Dakota First Report of Injury Form** must be completed and turned in to the Municipal Finance Officer within three (3) business days.

Any workplace injury or illness that requires medical attention or that results in property damage will require a post-accident drug test.

If work time is missed because of an on-the-job injury or illness, accrued sick time may be used to cover any time not compensated by Worker's Compensation insurance.

All medical and hospital expenses will be paid in accordance with Worker's Compensation laws.

## L. DONATING VACATION OR SICK TIME

Employees may have situations that result in the need for time off in excess of their available vacation or sick time. In those situations, full-time employees may donate vacation or sick time from their unused balance to their co-workers in need.

To be eligible to receive donated vacation or sick time, an employee must be full-time, have worked a least one year with the City, have exhausted all of their own vacation and sick time, and submit a written request for assistance. They must have a situation that meets one of the following criteria:

- 1.A **Family Health Related Emergency:** Critical or catastrophic illness or injury of the employee or an immediate family member that poses a threat to life and/or requires inpatient or hospice health care. Immediate family member, for purposes of this policy, is defined as spouse, child, parent or other relationship in which the employee is the legal guardian or sole caretaker.
2. **Other Personal Crisis:** A personal crisis of a severe nature that directly affects the employee. This may include a natural disaster affecting the employee's primary residence such as a fire or severe storm.

Donations of vacation and sick time are strictly voluntary, must be authorized in writing, and must be in one (1) hour increments, up to a maximum donation of forty (40) hours. An employee may not donate more than fifty (50%) percent of their current sick and/or vacation balance.

Donations will be made on an hour-for-hour basis and may only be used for time off related to the approved request. Donations made in excess of time off needed will be returned to the donor.

## Section V: WORK ENVIRONMENT

### A. COMMITMENT TO POSITIVE RELATIONSHIPS

The City of Baltic is committed to providing a workplace environment where individuals respect one another, appreciate each other's contributions, work together effectively, and continually strive to improve themselves and the City! Our expectation is that we will all promote and maintain positive working relationships with our co-workers, suppliers, and citizens, that we will treat everyone we encounter with professionalism and respect, and that we will continually seek ways to become as effective and productive as we can!

### B. FREEDOM FROM DISCRIMINATION AND HARASSMENT

The City of Baltic is committed to providing a work environment that is free from illegal discrimination and harassment. Accordingly, illegal discrimination and harassment by officers, department heads or coworkers based on an individual's race, religion, color, creed, national origin, sex, age (over 40), disability or veteran status will not be tolerated. The City will also endeavor to protect employees from reported discrimination and harassment by non-employees in the work place.

**Discrimination:** Employment related decisions and/or workplace conduct directed toward an individual or individuals that is based on one or more of the above protected classifications is considered illegal discrimination.

**Harassment:** Offensive, degrading and intimidating behavior, including ethnic or racial slurs and other verbal or physical conduct relating to a person's race, religion, color, creed, national origin, sex, age (over 40), disability or veteran status constitutes harassment when it creates an intimidating or hostile work environment.

**Sexual Harassment:** Sexual harassment is a specific form of illegal discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or other visual, physical, and verbal conduct of a sexual nature. Sexual harassment exists when a City officer or management level employee makes submission to such conduct either an explicit or implicit term or condition of employment (including hiring, compensation, promotion, or retention); or when submission to or rejection of such conduct is used by a City officer or management level employee as a basis for employment-related decisions such as promotion, performance evaluation, pay adjustment, discipline, work assignment, etc. Sexual harassment may also exist when such conduct by any other employee or non-employee unreasonably interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

**Reports / Complaints:** If you have a complaint of an incident or incidents of discrimination or harassment you should immediately report the matter to the Finance Officer, the Mayor, or a member of the City Council.

**Investigations:** All complaints will be investigated and will be treated with confidence consistent with resolution of the problem. In determining whether alleged conduct constitutes discrimination and/or harassment, the City will consider all of the information available, including the nature of the conduct and the context in which the alleged incidents occurred. The determination of specific action by the City will be made from the facts on a case-by-case basis. An individual may be placed on suspension with pay pending the outcome of an investigation.

**Consequences:** If an investigation determines the allegations to be true, the City will take appropriate corrective action, up to and including discharge of offending employees.

**Retaliation:** Retaliation against any employee who reports discrimination and/or harassment or who participates in an investigation of claimed discrimination and/or harassment is strictly prohibited. Anyone who believes they have been the victim of retaliation should report it to the Finance Officer, the Mayor, or a member of the City Council in the same manner they would report discrimination or harassment. Any employee of the City who knowingly files a false complaint, however, will be subject to disciplinary action, up to and including discharge.

### **C. FREEDOM FROM WORKPLACE VIOLENCE**

Any form of actual, implied, verbal or non-verbal violence or threats of violence by City employees directed toward other City employees or non-employees are against City policy. In addition, bringing firearms and other weapons or having them in possession while at work and in City property, buildings and vehicles are prohibited. Any vandalism, arson, sabotage, or any other act that, in management's opinion, is inappropriate in the workplace, will not be tolerated. Violations of this policy will result in disciplinary action, up to and including discharge.

**Reports / Complaints:** If you have a complaint, if you become aware of any violence or threats of violence, or if you become aware that an individual is in violation of the firearms and weapons prohibition, you should immediately report the matter to the Finance Officer, the Mayor, or a member of the City Council.

**Investigations:** All complaints or reports of violence will be investigated and will be treated with confidence consistent with resolution of the problem.

**Consequences:** If an investigation determines the allegations to be true, the City will take appropriate corrective action, up to and including discharge of offending employees.

**Retaliation:** Retaliation against any employee who reports violence or potential violence or who participates in an investigation of violence or potential violence is strictly prohibited. Anyone who believes they have been the victim of retaliation should report it to the Finance Officer, the Mayor, or a member of the City Council.

### **D. DRUG, ALCOHOL & TOBACCO FREE WORKPLACE**

The City has a vital interest in maintaining safe, healthy, and efficient working conditions for all employees. Employees are prohibited from the use, sale, dispensation, distribution, possession, or manufacture of illegal drugs, controlled substances, or alcoholic beverages on company premises or work sites. In addition, the City prohibits off-premises use of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or our reputation in the community. Having a detectable amount of alcohol or illegal drugs while performing work duties, or when reporting for work, is also prohibited.

The City may require drug testing and/or a fitness-for-duty medical evaluation any time an employee gives cause to believe he or she has violated this drug-free workplace policy. If you test positive for drugs, the results will be rechecked. If they are confirmed, you will be subject to immediate discharge.

City offices, buildings and vehicles are tobacco-free environments. If you choose to smoke or chew tobacco, please do so outside in designated areas and on designated breaks, and properly dispose of any cigarette butts and/or residue.

## **E. SAFETY IN THE WORKPLACE**

The City requires the cooperation and commitment of all officers and employees to make our workplace safe and keep our employees safe. Employees are required to operate all machinery and equipment in a safe manner. This includes adhering to all safety rules and regulations, including federal and state mandated rules.

Per SDCL 32-26-47 No person may operate a motor vehicle on a highway while using a handheld electronic wireless communication device to write, send, or read a text-based communication. This section does not apply to a person who is using a handheld electronic wireless communication device:

- 1) While the vehicle is lawfully parked;
- 2) To contact any emergency public safety answering point or dispatch center;
- 3) To write, read, select, or enter a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call; or
- 4) When using voice operated or hands-free technology.

Because of our emphasis on safety, we may require a fitness-for-duty evaluation and/or a drug test if we have reasonable cause to believe that someone's actions have caused or may cause unsafe conditions. Any injury or accident, regardless of the extent of the injury or the nature of the accident, must be reported immediately to your supervisor. Failure to do so may result in denial of claims.

Failure to follow safety procedures established by law and by the City may result in disciplinary action, up to and including termination of employment. Basic safety requirements include, but are not limited to:

- Using personal protective equipment (PPE) for specific jobs (i.e. gloves, safety glasses, ear protection, etc.);
- Using seat belts at all times while traveling in the line of duty;
- Operating all equipment and vehicles within safety guidelines;
- Maintaining all equipment and vehicles as per recommended maintenance schedules and safety checks;
- Reporting any known or suspected conditions that are unsafe, or potentially unsafe;
- Maintaining safe personal practices, and promoting safety with others

## Section VI. PERFORMANCE

### A. PERFORMANCE EXPECTATIONS

Performance expectations will be communicated to you at the time you are hired or appointed to your position with the City of Baltic. Those performance expectations and requirements may change from time to time. If you have questions about your specific job responsibilities, or whether you are successfully meeting the expectations of your position, talk to your Department Head or direct supervisor.

Department Heads are responsible to communicate performance expectations to individuals within their department. The Mayor, with input from Council members, is responsible to communicate performance expectations to appointed officials and Department Heads.

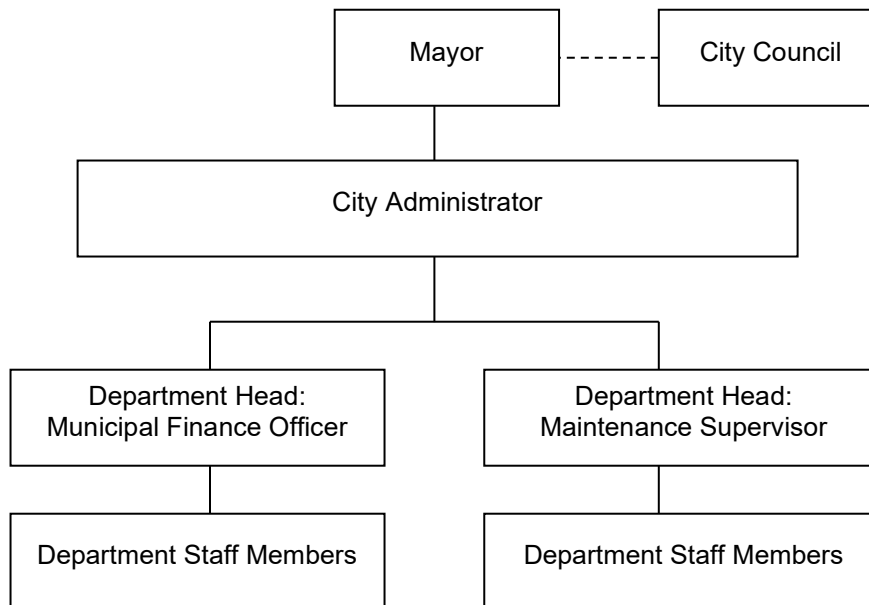
### B. PERFORMANCE REVIEW

Employees are to receive a review of their performance annually, or more frequently. Performance reviews should also occur when performance is not meeting expectations.

Department Heads will conduct performance reviews of people within their department. The Mayor, along with Council members, will conduct performance reviews of the Department Heads.

### C. ORGANIZATIONAL CHART

Here is an organization chart of the City of Baltic staff.



## **Section VII. DISCIPLINE AND GRIEVANCES**

### **A. CAUSES OF DISCIPLINARY ACTION**

If an employee fails to meet performance expectations, or conducts themselves in a manner that is unbecoming a City employee, that individual will be subject to disciplinary action. Following are actions or offenses that may subject a person to disciplinary action:

1. Is incompetent and/or consistently fails to meet performance expectations
2. Consistently neglects his/her duties
3. Is insubordinate
4. Fails or refuses to perform job assignments or to follow the orders of a supervisor
5. Is careless or negligent of City or public property
6. Has been convicted of a felony during employment
7. Has disclosed privileged or confidential City information to unauthorized person(s)
8. Knowingly and willfully violates any federal or state laws, City ordinances, or departmental rules or regulations
9. Has induced or attempted to induce any employee of the City to commit an illegal act
10. Is offensive or inconsiderate, or uses abusive or foul language in public, toward the public, or toward City officials, fellow employees or others while on duty
11. Reports for work while under the influence of alcohol / drugs or uses alcohol / drugs while on duty
12. Unscheduled absenteeism and/or tardiness
13. Fails to follow good safety practices on the job
14. Falsifies municipal records
15. Possesses weapons on the job
16. Misappropriates or willfully damages City property
17. Loiters, fights, or engages in horseplay while on duty
18. Posts notices not authorized by the City Council
19. Engages in partisan activity in municipal elections
20. Engages in behavior or displays conduct, attitude or appearance unbecoming of a City employee

This is not an exhaustive list, and other actions may be deemed inappropriate and subject to disciplinary action.

### **B. DISCIPLINARY ACTIONS**

As explained in Section II. (F), unless otherwise identified, the employment relationship between the City and its employees is an employment-at-will relationship. The City and its employees have a right to terminate the employment at any time for any reason. The City also has the right to impose discipline when it believes it is warranted. Disciplinary action may include, but is not limited to, one or more of the following:

- Verbal correction or reprimand
- Written correction or reprimand
- Probation – a thirty-day probation may be issued, which may be extended by another thirty days
- Suspension without pay – up to thirty day suspensions may be issued
- Demotion
- Discharge

This list is not progressive. For example, an employee may be immediately suspended or discharged, even if no other disciplinary steps have been taken. All disciplinary action must be communicated to the employee and documented for the personnel file. All disciplinary actions other than verbal corrections or reprimands must be communicated to the Mayor and City Council.

### **C. GRIEVANCE PROCEDURES**

The purpose of these grievance procedures is to provide a just and equitable method for resolving grievances. A City employee may engage in the following grievance procedure concerning the interpretation or application of rules, regulations and policies, or concerning disciplinary action taken. Following this procedure may be a requisite to pursuing legal action against the City.

1. An employee with a grievance will first discuss that grievance with his/her Department Head and attempt to resolve the issue in a satisfactory manner. The Department Head will give a verbal answer within five (5) working days after such discussion.
2. If the grievance remains unresolved, the employee may, within five (5) working days submit the claim as a formal written grievance to the Mayor and/or a City Council member. The written grievance shall state specifically the events causing the grievance and all actions taken by the employee to resolve it.
3. The City Council shall, at its next regularly scheduled meeting, call for an Executive Session to discuss the grievance with all concerned parties. The City Council shall rule on the grievance at that meeting, or, if additional information is needed, the City Council may defer action until a later meeting.

Failure of the appealing employee to appear before the City council at the time, date, and place as indicated will cause the grievance to be dismissed. The City Council's decision shall be final.

This grievance procedure is for the benefit of City employees. It may not be used by a non-employee (including former employees who have resigned, retired or been dismissed), nor by employee associations. The burden of proof in this procedure shall be on the employee. The employee will have to furnish the evidence necessary to prove any contested facts.

## **Section VIII. TERMINATION**

### **A. RETIREMENT / RESIGNATION**

An employee resigning or retiring from the City of Baltic is to give a minimum of two (2) weeks written notice of such retirement. Department Heads are to give a minimum of four (4) weeks written notice of retirement. The Municipal Finance Officer, in accordance with SDCL 3-14-1, is to hold office until a successor is appointed, and qualifies for office.

### **B. DISCHARGE**

As stated earlier, employment with the City of Baltic is 'at-will', meaning that both the City and the employee have the right to terminate the employment relationship at any time, without prior notice, and for any reason, except as outlined in this handbook and as prohibited by law. The City's decision to discharge an employee will generally occur because of performance (as it relates to job requirements) or conduct-related issues, but may also occur because of economic reasons or other issues. The decision to discharge a municipal employee must be approved by the City Council.

An employee who has been discharged may request a hearing at the next regularly scheduled City Council meeting. Such a hearing will be conducted in Executive Session, and may result in an investigation. Such investigation shall be confined to the determination of whether such discharge was appropriate, including whether it was or was not made for race, religion, color, creed, national origin, sex, age (over 40), disability (of an otherwise qualified individual) or veteran status.

### **C. LAY-OFF / REDUCTION-IN-FORCE**

Any employee may be laid off at the discretion of the City Council for the welfare or benefit of the City of Baltic. Every effort will be made to communicate the reason(s) for the reduction in force to employees. Except where the functioning of the City might be impaired, any reduction in force will generally be made in the following order: (a) attrition, (b) seasonal or temporary employees, (c) part-time employees, (d) probationary employees, (e) regular full-time employees, and (f) Department Heads.

If employees are recalled, it will generally be in reverse order from which they were laid off.



## Section IX. MISCELLANEOUS PROVISIONS

### A. CONFIDENTIALITY OF INFORMATION

It is possible, and in some cases very likely that during your employment and/or association with the City, you will become aware of certain confidential information about citizens, employees, legal issues or financial information. You are required to take reasonable and necessary steps to preserve the confidentiality of this information.

All documents (including copies), records, and other information made, compiled, or available to you in the course of your employment is and shall remain City property, and shall be returned to the City immediately upon the termination of your employment, unless such information is publicly accessible information.

### B. ADDITIONAL EMPLOYMENT

Additional employment will generally be allowed as long as it does not interfere with an employee's job duties and responsibilities, so long as the employee has the express permission of his/her Department Head prior to undertaking the additional employment. Department Heads must have the express permission of the City Council prior to undertaking additional employment.

### C. TRAVEL

Class 1 and 2 employees, traveling on official City business, and class 3, 4, 5 and 6 employees traveling at the direction of their Department Head or an officer of the City, are entitled to be reimbursed for allowable travel expenses.

**Mode of Transportation:** Employees are expected to use the mode of transportation that is least expensive to the City, unless otherwise authorized.

**Private Vehicles:** Employees using private vehicles will be reimbursed at the current rate approved by the Internal Revenue Service (IRS). Mileage will be calculated based on the most direct and/or commonly traveled route, and will be based on odometer readings, or mileage figures published by the State of South Dakota on its official maps.

**Registration Fees:** Registration fees for workshops, classes, seminars, and other activities will generally be paid by the City of Baltic, or will be reimbursed, if approved.

**Meals:** The maximum allowable meal expense is \$13.00 for breakfast, \$14.00 for lunch, and \$23.00 for dinner, or a total of \$50.00 per day.

**Lodging:** The City will pay actual costs for pre-approved lodging expenses from submitted receipts.

**Entertainment Expenses:** The City will not reimburse employees for entertainment and/or alcoholic beverages.

**Advanced Payment:** The anticipated cost of room, transportation, registration fees, and meals may be paid in advance of travel by submitting a signed voucher to the Municipal Finance Officer requesting the same, and with the prior approval of the Mayor and/or City Council.

**Reimbursement:** To be reimbursed for travel expenses, itemization should be submitted to the Municipal Finance Officer showing all expenses, when incurred, reason for trip and expense and attended by receipts attached where receipts are required.

**Meeting and Conference compensation:** Class 1, Elected Officials, attending meetings, workshops or conferences will be compensated in the following manner:

Overnight Trips	\$80
Day Trips	\$55

### D. MUNICIPAL ELECTIONS

City employees are encouraged to vote in all municipal elections, although any partisan involvement in City elections beyond voting is strictly prohibited.

## E. ELECTRONIC EQUIPMENT

Access to and use of electronic equipment, including computers, fax machines, telephones and cell phones, are for the benefit of employees to fulfill their job responsibilities, and not for personal use or gain. Every employee is responsible to use all such equipment in a responsible, ethical and lawful manner.

Employees are responsible for the content of files and messages stored on and sent from City computers and cell phones entrusted to them. Solicitation of non-company business, or any use for personal gain or advancement of individual views is prohibited. Fraudulent, discriminating, harassing, or obscene messages are prohibited. Communications must be clearly identified, and no attempt to obscure the origin of any message is permitted.

The City reserves the right to access and monitor all messages and files on electronic equipment as deemed necessary and appropriate. Electronic messages are public communications, so no confidential information, trade secrets, proprietary financial information, or similar materials may be sent without proper authorization. All communication, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Employees may not intentionally erase or destroy files or records in violation of federal law, state law or City policy.

Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary the company will advise appropriate legal officials of any illegal violations.

## F. ANTIFRAUD PROGRAMS AND CONTROLS

The City of Baltic has designed and implemented systems and procedures for the prevention and detection of fraud and for ensuring a culture and environment that promotes honesty and ethical behavior. The City Council believes that the most effective way to implement measures to reduce wrongdoing is to base them on a set of core values that are embraced by the City of Baltic. These values provide an overarching message about the key principles guiding the actions of all employees, elected officials, appointed officials and volunteers.

Three fundamental elements have been identified to help prevent, deter, and detect fraud:

### 1. CREATE A CULTURE OF HONESTY AND HIGH ETHICS

- Setting the tone at the top
- Creating a positive workplace environment
- Hiring and promoting appropriate employees
- Training
- Discipline

### 2. EVALUATE ANTIFRAUD PROCESSES AND CONTROLS

- Identifying and measuring fraud risks
- Mitigating fraud risks
- Implementing and monitoring appropriate internal controls

### 3. DEVELOP AN APPROPRIATE OVERSIGHT PROCESS

- Governing board awareness
- Management's role
- Internal auditors
- Independent auditors

## G. STATEMENT OF ETHICAL CONDUCT

Believing that the residents and businesses of Baltic, South Dakota are entitled to have fair, ethical and accountable local government, the City Council requires that public officials and employees:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the city government;
- Be independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, and not for personal gain; and
- Conduct public deliberations and processes openly (unless legally confidential), in an atmosphere of respect and civility.

To this end, the Baltic City Council has adopted this **Statement of Ethical Conduct** to encourage public confidence in the integrity of local government and its fair and effective operation. This **Statement of Ethical Conduct** will be provided to all employees, and will be included in election packets for mayor and council member candidates.

Employees are expected to agree to follow this **Statement of Ethical Conduct** upon hiring, and the Mayor and City Council members will be asked to sign this **Statement of Ethical Conduct** at the first Council meeting in May each year

when the Council elects its President and Vice-President as a symbol of their continuing commitment to abide by these principles:

1. **Act in the Public Interest** – Recognizing that stewardship of the public interest must be their primary concern, public officials and employees will work for the common good for the people of Baltic, South Dakota and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.
2. **Comply with the Law** – Public officials and employees will comply with the laws of the nation, the State of South Dakota and the City of Baltic in the performance of their duties. These laws include, but are not limited to the United States and South Dakota constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and City of Baltic ordinances, resolutions and policies.
3. **Conduct** – Public officials and employees will refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.
4. **Respect for Process** – Public officials and employees will perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct of Public Meetings** – Public officials will inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.
6. **Decisions Based on Merit** – Council decisions will be based upon the merits and substance of the matter at hand.
7. **Communication** – It is the responsibility of the Mayor and Council members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council members.
8. **Coordination with City Staff** – The Mayor and Council members will involve appropriate city staff members in meetings and decisions as needed to ensure proper staff support and to keep staff informed.
9. **Disclosure of Corruption** – All City officials will take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the state and the federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.
10. **Conflict of Interest** – In order to assure independence and impartiality on behalf of the public good, public officials and employees will not use their official positions to influence government decisions when (a) they have a financial interest, (b) an organizational responsibility, or (c) a personal relationship that would present a conflict of interest under applicable state law.  
  
In accordance with the law, public officials and employees will refrain from participating in any decision in which they have a conflict of interest, either economic or other, unless otherwise permitted by law.
11. **Gifts and Favors** – The public officials and employees will not take advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They will refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.
12. **Confidential Information** – Public officials and employees will respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They will neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.
13. **Use of Public Resources** – Public resource unavailable to the public (e.g. City staff time, equipment, supplies or facilities), may not be used for personal purposes or private gain.
14. **Representation of Private Interest** – In keeping with their role as stewards of the public trust, public officials and employees will not appear on behalf of the private interests of a third party before the City Council or any board, commission or committee or proceeding of the City.

15. **Advocacy** – To the best of their ability, public officials and employees will represent the official policies and positions of the City Council. When presenting their personal opinions or positions, they will explicitly state that they do not represent the City or the Council.
16. **Improper Influence** – Public officials and employees may not use their position influence in an improper manner, the deliberations or decisions of City staff, boards, commissions or committees.
17. **Policy Role of Members** – Public officials and employees will respect and adhere to the structure of the government of the City of Baltic.
18. **Positive Work Environment** – Public officials and employees will support the maintenance of a positive and constructive environment for residents, businesses and City employees.
19. **Meeting Attendance** – Public officials and employees will strive to attend all regular and special meetings of the Council.
20. **Compliance and Enforcement** – Public officials and employees have the primary responsibility to assure that these standards are understood and met, so that the public will have full confidence in the integrity of City government.

## **Section X. CONCLUSION**

### **A. ACKNOWLEDGEMENT AND RECEIPT**

Each employee is asked to sign an acknowledgement of having read the City of Baltic's Employment Handbook. The following statement is a copy of that acknowledgement:

I have received a copy of the City of Baltic's Employment Handbook, and have had an opportunity to read and review the handbook.

I understand that nothing in the City of Baltic Employment Handbook in any way creates an express or implied contract of employment between the City and me. I also understand that no City official has the authority to enter into an oral employment contract, and only the Mayor, with the approval of the City Council, can enter into a written employment contract. I understand that in the absence of a written contract, my employment is 'at-will', meaning that I have the right to terminate the employment relationship at any time and without cause or notice, as does the City of Baltic.

I understand that the City of Baltic provides equal employment opportunity, and prohibits discrimination and harassment based on race, religion, color, creed, national origin, sex, age (over 40), disability, or veteran status. I also understand that the City of Baltic Employment Handbook contains procedures for reporting discrimination and harassment, and prohibits retaliation for any such reporting or for participating in any investigation regarding discrimination or harassment.

I understand that the City of Baltic Employment Handbook is intended to provide general guidelines for a productive and rewarding employment relationship. I also understand that by signing this receipt and acknowledgement, I agree to follow and abide by the policies and procedures outlined in this handbook, and other policies and procedures that may be communicated to me throughout the course of my employment. I realize that failure to do so may result in disciplinary action and/or termination. I also understand that these policies and procedures, rules, terms, conditions and benefits may change from time to time, and I agree that I will abide by those changes so long as I remain an employee of the City of Baltic.

### **B. SUMMARY**

Our hope is that as an employee of the City of Baltic you will be committed to the success of our City! We hope that you become excited about, and committed to, our efforts and goals. We expect challenges and obstacles to arise, but we also expect to overcome them, with your help!