

# **CITY OF ALTOONA**



## **PERSONNEL POLICIES MANUAL**

### **NON-UNIFORMED EMPLOYEES**

**2022**

# **Table of Contents**

## **1.0 LETTER FROM THE MANAGER**

## **2.0 INTRODUCTION**

- 2.1 Welcome
- 2.2 Introductory Statement
- 2.3 Policy Changes or Amendments
- 2.4 At-Will Employment
- 2.5 Acknowledgment of Receipt of Employee Manual

## **3.0 DEMOGRAPHICS/BACKGROUND INFORMATION**

- 3.0 Organizational Structure
- 3.1 Elected Officials
- 3.2 Governmental Organization

## **4.0 EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICIES**

- 4.1 Equal Employment Opportunity Statement
- 4.2 ADA Compliance
- 4.3 Diversity Policy
- 4.4 Religious Accommodation
- 4.5 Pregnancy Non-Discrimination
- 4.6 Sexual and Other Unlawful Harassment Policy
- 4.7 Whistleblower Policy

## **5.0 EMPLOYMENT, RECRUITING, HIRING**

- 5.1 Classification of Positions
  - A. Regular
  - B. Temporary
  - C. Full-Time
  - D. Part-Time
  - E. Seasonal
  - F. Probationary
- 5.2 Recruitment and Selection
- 5.3 Criminal Background Screenings
- 5.4 Promotion
- 5.5 Probationary Period
- 5.6 Orientation
- 5.7 Performance Evaluations
- 5.8 Work Force Reduction

## **6.0 STANDARDS OF EMPLOYEE CONDUCT**

- 6.1 Code of Conduct
- 6.2 Social-Media
- 6.3 Computer & Internet Use Policy
- 6.4 Conflict of Interest

- 6.5 Political Activities/Donations
- 6.6 Outside Employment
- 6.7 Care of City Facilities and Equipment
- 6.8 Access to City Offices, Desks, etc.
- 6.9 Professional Dress

## **7.0 GENERAL PERSONNEL POLICIES**

- 7.1 Employment Records Management
- 7.2 Changes to Personnel Data
- 7.3 Employment Reference Checks
- 7.4 Hiring of Relatives and Employee Relationships
- 7.5 Immigration Law Compliance
- 7.6 Information Technology - Acceptable Usage
- 7.7 Controlled Substance and Alcohol Abuse
- 7.8 Vehicle Use Policy
- 7.9 Media Requests

## **8.0 EMPLOYEE BENEFITS**

- 8.1 Benefit Plans
- 8.2 Changes in or Termination of Benefit Plans
- 8.3 Employee Assistance Program (EAP)

## **9.0 PAYROLL PRACTICES**

- 9.1 Salary and Wage Administration for Non-Bargaining Unit Employees
- 9.2 Overtime Procedures
- 9.3 Holiday Pay
- 9.4 Time Keeping
- 9.5 Payroll Deductions
- 9.6 Pay Day

## **10.0 HOURS OF WORK**

- 10.1 Work Week
- 10.2 Work Day
- 10.3 Work Schedules
- 10.4 Meal Periods
- 10.5 Emergency Closing

## **11.0 ABSENCE FROM WORK**

- 11.1 Attendance and Punctuality
- 11.2 Paid Time Off
- 11.3 Family and Medical Leave
- 11.4 Non-FMLA Medical Leave of Absence
- 11.5 Military Leave
- 11.6 Holidays
- 11.7 Jury Duty and Election Day
- 11.8 Bereavement Leave

**12.0 WORKPLACE SAFETY**

- 12.1 Policy Statement
- 12.2 Workers Compensation

**13.0 WORKPLACE VIOLENCE/WORKPLACE BULLYING**

- 13.1 Workplace Violence Policy Statement
- 13.2 Workplace Bullying Policy Statement

**14.0 PROBLEM RESOLUTION, DISCIPLINE and TERMINATION**

- 14.1 Problem Resolution
- 14.2 Discipline
- 14.3 Administrative Leave
- 14.4 Separation Types
- 14.5 Exit Interviews

**15.0 TRAVEL REIMBURSEMENT**

- 15.1 Travel Expense Reimbursement

**16.0 COMMERCIAL DRIVERS LICENSE (CDL)**

- 16.1 Purpose

**17.0 IN CLOSING**

## 1.0 LETTER FROM THE MANAGER

Dear City Employee:

City employees are vital to achieve our objective of providing excellent services to the people who live, work, and conduct business in the City of Altoona.

City employees perform a variety of job duties, but whatever the job, each duty is vitally important to the achievement of the City's goals. As you strive to perform your job duties to the best of your ability, you contribute as a team member to the City's overall strength and to its reputation as a community.

The City is an Equal Opportunity Employer committed to a policy of fair employment. The City administrative staff stands ready to answer questions and provide assistance to employees regarding this commitment.

This Personnel Policies Manual has been specially designed to help acquaint you with the City, its organization, policies, benefits and services. It contains useful information which is important to you. Please read the Manual carefully and keep it as a handy reference for you and your family. The contents of this Manual remain subject to the conditions set forth in the introduction, Section 2.0.

If any questions arise that might not be covered in the Manual, or if clarification is needed, do not hesitate to contact your supervisor for assistance.

Sincerely,



Omar Strohm  
City Manager

## **2.0 Introduction**

### **2.1 Welcome**

Welcome to the City of Altoona! We believe in promoting an atmosphere of open communication and cooperation among all of our personnel and this Personnel Policies Manual reflects that thinking. We also believe that each Employee contributes directly to our success and we hope that you will take pride in serving as a member of the City of Altoona team.

This Manual describes some of the policies, opportunities, and benefits, that the City of Altoona currently offers, and explains certain employee responsibilities. Read this Manual carefully and be sure to keep it available as a reference. Please feel free to contact your supervisor or other member of management if you have any questions, comments, or concerns about any aspect of your employment.

Each of us makes daily decisions on how we will perform our jobs and how we choose to interact with our fellow employees and the general public. Our success as individuals - and as an organization - requires that we conduct our business activities with integrity. Our employees are expected to comply with all federal, state, and local laws and to conduct their activities within the standards of conduct outlined by the City of Altoona and its management. It is up to each employee to take responsibility and accountability for the appropriateness of his or her actions and for maintaining the highest ethical standards in the performance of his or her duties. We hope that your experience with the City of Altoona will be challenging, enjoyable, and rewarding, and that you will feel a part of the City of Altoona team.

## **2.2 Introductory Statement**

This Personnel Policies Manual of the City of Altoona (the “Manual”) has been issued by executive order of the City Manager, who is the City official in charge of personnel in accordance with the City of Altoona Charter, to provide all employees of the City with a general understanding of information pertaining personnel and employment policy. This manual has been written to serve as a guide to your employment with the City and is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described.

Neither this Manual nor any other verbal or written communication by a management representative constitutes a contract of employment, express or implied. The Manual does not guarantee any fixed term or any conditions of employment nor does it create a promise of particular treatment in any given situation. The City of Altoona adheres to the policy of employment at will, which permits either the City or the employee to terminate the employment relationship at any time, for any reason, with or without cause or notice. No one is authorized to provide any employee with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or agreement is in writing and approved by a majority vote of the City Council at a duly advertised public meeting.

Many matters covered by this Manual, such as benefit plan descriptions, are also described in separate City documents. These documents are always controlling over any statement made in this Manual or by any statement made by a member of management. This Manual should be read in conjunction with all relevant City Codes, Collective Bargaining Agreements (CBAs), and Standard Operating Procedures (SOPs). In the event that any of the provisions of this Manual conflict, Ordinances and Collective Bargaining Agreements (CBAs) shall govern.

### **2.3 Policy Changes or Amendments**

Our Manual cannot anticipate every circumstance or question. Moreover, it may be necessary to change policies described in the Manual. The City Council delegates authority to the City Manager to revise, supplement, or rescind any portion of the Manual from time to time, without notice. However, the City will circulate changes or modifications among employees in a timely manner. This Manual supersedes all prior Manuals.



## **2.4 At-Will Employment**

Your employment with the City of Altoona is at-will and is subject to termination by you or the City, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of any City employee. This policy of employment-at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exceptions to at-will status are those instances where by statute or contract an employee is vested with a protected property interest in employment, e.g., employees covered by a collective bargaining agreement.

Employees who are covered by collective bargaining agreements (CBAs) must comply with the City's policies as described herein, except to the extent said policies or procedures conflict with the terms of a CBA. In the event of a conflict, the terms of the CBA supersede the conflicting provision of the policies, but only to the extent there is a conflict. These policies should not be interpreted to conflict with a CBA, and should, as much as possible, be read harmoniously. These policies are meant to express policies of the City and are not meant to cover or apply to mandatory subjects of bargaining.

## **2.5 Acknowledgment of Receipt of Employee Manual**

Upon receipt of this Manual, each employee should read and sign the attached Acknowledgment of Receipt. The signed acknowledgement form should be returned and filed with the Human Resources Department.

### **3.0 Organizational Structure**

#### **3.1 Elected Officials**

- A. City Council. The City Council is made up of seven (7) elected officials – the Mayor and six (6) Councilmembers – each of whom is elected in at large elections to staggered four (4) year terms. As the governing body of the City, the City Council is conferred with executive and legislative powers.

## **3.2 Governmental Organization**

A. City Departments. The organizational structure of the City of Altoona is best illustrated through the City of Altoona Organizational Chart (Section 3.3 on Page 9), which includes the following departments:

1. Community Development Department
2. Codes and Inspections Department
3. Finance Department
4. Fire Department
5. Human Resources Department
6. Police Department
7. Public Works Department

# CITY OF ALTOONA ORGANIZATIONAL CHART



## **4.0 Equal Opportunity and Non-Discrimination Policies**

### **4.1 Equal Employment Opportunity Statement**

The City of Altoona is an Equal Opportunity Employer that does not discriminate against persons (applicant or employee) because of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age (40 or older), disability, genetic information or any other characteristic protected by applicable federal, state or local laws. Nor will the City retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

The City will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees and job applicants with disabilities unless the accommodation would impose an undue hardship on the operation of the City. If you need assistance to perform your job duties because of a physical or mental condition, please speak with the Human Resources Director.

The City will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the City's operations. If you wish to request such an accommodation, please speak with the Human Resources Director.

Any employee with questions or concerns about equal employment opportunities are encouraged to bring any questions or concerns about discrimination in the workplace to the attention of the Human Resources Director who handles such matters. Employees should feel free to discuss concerns or questions without any fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

If you believe this policy has been violated you should report that violation immediately to the Human Resources Director.

## 4.2 ADA Compliance

It is the policy of the City of Altoona to comply with the Americans with Disabilities Act (ADA) and the Pennsylvania Human Relations Act. In regards to non-employment matters, it is the policy of the City to ensure that City worksites and service delivery centers are appropriately accessible to job applicants, our employees and other visitors. In regards to job applicants and our employees, it is the policy of the City to ensure that a disabled person (as defined in the ADA), qualified to perform the essential functions of a relevant position, with or without reasonable accommodation, receives fair treatment regarding that position.

If you are a qualified individual with a disability and would like to request a reasonable accommodation to allow you to perform the essential functions of your job, please submit your request, preferably in writing, to the Human Resources Director. The City will engage in an interactive discussion with you and/or your treating medical professionals to determine if there is an effective reasonable accommodation available that will not impose an undue hardship on the City. You may be required to provide medical substantiation of the need and type of the reasonable accommodation sought. You may also be required to sign a medical release to allow the City to obtain medical information from your medical provider concerning any disability and reasonable accommodation sought.

Do not wait until you are in the midst of disciplinary action to request a reasonable accommodation for a disability. A disability or accommodation raised after a disciplinary issue will not negate discipline. Advise the City of your disability and the need for a reasonable accommodation as soon as you are aware of it.

In order to assure ADA compliance, the City will take, or has taken, the following steps:

A. All legally required ADA postings will be posted and maintained at the following worksite locations:

1. City Hall
2. Police Station
3. All Fire Stations
4. Public Works Garage
5. Parks Building

B. The City has surveyed, and will continue to survey, its physical facilities to ensure reasonable access to those facilities by persons with disabilities, including job applicants, employees, and visitors.

C. The City has named the Human Resources Director as the ADA compliance officer. Concerns about ADA compliance issues should be addressed immediately to the compliance officer.

D. Job descriptions have been crafted and will continue to be modified and revised as needed, so as to emphasize and focus on the essential functions of each position.

E. Job application forms, hiring processes, performance evaluations, and internal job notices/promotions have been reviewed to ensure that they do not create inappropriate employment barriers for disabled persons.

F. The City will, unless it creates an undue hardship, reasonably accommodate a successful applicant or employee with an ADA disability who is otherwise qualified to perform the essential functions of the relevant position. In making employment decisions, it is the policy of the City that the existence of a disability, in an applicant or employee who is otherwise qualified to perform the essential functions of a position, where that individual can perform those essential functions with or without reasonable accommodation, will not be a factor in the employment decision.

Implementation of ADA:

A. The City recognizes determining an ADA disability can be a difficult and complex one. When an applicant or employee signals a belief that he/she has an ADA disability, the City will discuss and analyze that issue with the applicant or employee.

B. It is the policy of the City to follow the contents of the ADA, its regulations, and interpretive court decisions as to what constitutes a disability. For example, the City is instructed by these sources that the following do not constitute disabilities: the inability to perform one job or a narrow range of jobs; minor and transitory conditions; individuals who are currently engaging in the illegal use of drugs; homosexuality, bisexuality, transvestism, transsexualism, pedophilia, voyeurism, exhibitionism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current illegal use of drugs. It is also the policy of the City not to employ, or to continue to employ, an individual whose employment would constitute a direct threat to the health or safety of others that cannot be eliminated by reasonable accommodation.

C. An accommodation which would not allow an otherwise qualified individual to perform all of the essential functions of a job is not a reasonable accommodation. Ultimately, as between various possible reasonable accommodations, the City will make the determination as to which will be utilized. In reaching this determination, the City will thoroughly discuss the issues with the applicant or employee, and the discussions, not limited in number or duration, may include representatives of the employee, medical information, occupational therapists or social workers, as the situation dictates. An accommodation which would impose upon the City an undue hardship is not a reasonable accommodation. An undue hardship is an action which would pose for the City significant difficulty or significant expense in light of specific factors set forth in the ADA itself, and in its implementing regulations.

D. The City will, in appropriate cases, consider job restructuring, part-time or modified work schedules, reassignments to vacant positions, acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies,



and the provision of qualified readers or interpreters, (or other similar accommodations) for applicants or employees with disabilities.

E. Job applicants will not be required to undergo pre-employment offer medical or psychological testing, though they may be required to undergo job-specific skills testing. Job applicants who are offered positions with the City may be required, subsequent to the job offer, to participate in a medical examination. This medical examination may involve either or both physical or psychological analyses. In such an event, the employment offer will be made contingent upon the results of the medical examination. The City will not withdraw the tentative job offer, based upon this examination, without engaging in a discussion with the applicant for the purpose of determining whether there is a reasonable accommodation that would allow the applicant to perform all of the essential functions of the job.

F. An applicant's or employee's medical condition or history will be maintained in a file separate from the basic personnel file maintained on that applicant or employee. This separate medical file will be maintained as a confidential medical record. The only persons who will have access to this separate medical record will be those with a "legitimate need-to-know." This may include informing managers and supervisors regarding necessary restrictions on the work or duties of the employee and necessary accommodations. It may also include informing, where appropriate, first aid and safety personnel regarding any medical condition that may require emergency treatment.

G. It is the policy of the City not to create permanent "light-duty," positions. From time-to-time, the City may permit, specifically, to facilitate such an employee's return to work, a "work hardening" or similar program, or a temporary transitional duty or light duty assignment. The creation of such a program, assignment or temporary position is not a precedent for creating permanent light duty positions, or for eliminating legitimate, essential functions of a particular job.

H. Please note under the law and this policy, "a test to determine the illegal use of drugs shall not be considered a medical examination."

I. An applicant or employee is disabled, as that word is used in the ADA, where the applicant or employee has "a physical or mental impairment that substantially limits one or more of the major life activities of such individual . . ." Working is considered a major life activity. However, this policy recognizes and accepts the position of the Equal Employment Opportunity Commission that one is disabled, in regards to working, where one has a disability that substantially limits one's ability to perform a wide variety of jobs reasonably relevant to the particular individual.

### **4.3 Diversity Policy**

The City of Altoona reaffirms its commitment to create a supportive environment which enables all people to perform to their potential. Diversity embodies all the differences — life experiences, work experiences, perspectives, cultures, ethnicity, gender, age and other aspects of life — that make us unique individuals.

An inclusive environment encourages all employees to contribute their unique perspectives and capabilities, and fully engages a diverse workforce in achieving superior business results. Inclusion fosters trust, the cornerstone for risking new ideas and fostering a sense of accomplishment — powerful motivators that draw out each person’s best performance. Inclusion creates the environment where “every employee can start each day with a sense of purpose and end each day with a sense of accomplishment.”

The City management team is responsible for ensuring that employee differences are respected and valued in the workplace, the City’s inclusive behaviors are personally demonstrated and that we seek opportunity to do business with diverse companies. At the City of Altoona, all employees are responsible for creating a work environment that is inclusive, respectful, and free of harassment.

#### **4.4 Religious Accommodation**

The City of Altoona respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business.

An employee whose religious beliefs or practices conflict with his or her job or work schedule, with the City's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to his or her immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

The immediate supervisor will evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice, and whether an accommodation is available that is reasonable and that would not create an undue hardship on the City's business. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code that does not impact safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor may confer with the Human Resources Director.

The supervisor and employee will meet to discuss the request and decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision.

#### **4.5 Pregnancy Non-Discrimination**

The City of Altoona is firmly committed to protecting the rights of expectant mothers and complying with Title VII of the 1964 Civil Rights Act as amended by the Pregnancy Discrimination Act of 1978. It is the City's policy to treat women affected by pregnancy, childbirth or related medical conditions in the same manner as other employees unable to work because of a short-term medical condition in all employment aspects, including recruitment, hiring, training, promotion and benefits.

Further, the City fully recognizes eligible employees' rights and responsibilities under the Family and Medical Leave Act, applicable state and local family leave laws, and the Americans with Disabilities Act. When the employee returns to work from leave under the FMLA, they are entitled to return to the same or equivalent job with no loss of service or other rights or privileges.

Pregnant employees may continue to work until they are certified as unable to work by their physician.

Should an employee not return to work when released by their physician, they may be considered to have voluntarily terminated their employment with the City of Altoona.

In accordance with requirements set forth in the Patient Protection and Affordable Care Act amendment of the Fair Labor Standards Act, the City will provide reasonable break time for nursing mothers.

## 4.6 Sexual and Other Unlawful Harassment

The City of Altoona does not tolerate harassment in any form. Federal and state law prohibit employment discrimination on the basis of race, color, sex (including sexual orientation and gender identity), religion, national origin, age, disability or pregnancy. Harassment based on these characteristics is also prohibited under federal and state law.

Sexual harassment, according to the Federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex based nature where (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or, (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the Statement of Prohibited Conduct which follows. These examples are provided to illustrate the kind of conduct prescribed by this policy; the list is not exhaustive.

### Statement of Prohibited Conduct:

The City of Altoona considers the following conduct to represent some of the types of acts which violate the sexual harassment policy:

- A. Physical assaults of a sexual nature, such as:
  - 1. Rape, sexual battery, molestation or attempts to commit, these assaults; and
  - 2. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
  
- B. Unwanted sexual advances, propositions or other sexual comments such as:
  - 1. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way, that such conduct in his or her presence is unwelcome;
  - 2. Preferential treatment or promise of preferential treatment to an employee submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
  - 3. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

C. Sexual or discriminatory displays of publications in the work place, such as:

1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic.
2. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work at the City and who has posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
3. Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place, other than restrooms and similar semi-private lockers/changing rooms.

D. Retaliation for sexual harassment complaints, such as:

1. Discipline, changing work assignment of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about, or resisted harassment, discrimination or retaliation; and
2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct.

E. Other acts:

1. The above is not to be construed as an all-inclusive list of prohibited acts under this policy.
2. Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is sexual harassment of any one at whom it is directed or who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose; accordingly, the employee who engages in such conduct should be made to bear the full responsibility for such unlawful conduct.
3. The City's Computer and Internet Use policy requires that: "E-mail and/or the Internet/Intranet should not be used in a way that is offensive or harassing. Except where such communication is directly related to the performance of job functions or specific work assignments, this prohibition includes the display or transmission of sexually explicit images, cartoons, jokes or messages; vulgarities, obscenities, sarcasm or exaggerations. Employees are strictly prohibited from sending E-mail messages of a harassing, intimidating, or discriminatory nature."

Procedures For Making, Investigating And Resolving Sexual Harassment and Retaliation Complaints:

- A. Complaints. Complaints of acts of sexual harassment and retaliation that are in

violation of the sexual harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to their immediate supervisor. In the event that it would be inappropriate to report such concerns to one's immediate supervisor, the report may be made to the City's Human Resources Director or the City Manager.

Only those who have an immediate need to know (including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator, and any witness) will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a complaint are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

B. Cooperation. An effective sexual harassment policy requires the support and example of personnel in positions of authority. City agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with City sponsored investigations or sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately sanctioned.

#### Other Types of Harassment:

As stated at the beginning of this policy, the law prohibits harassment based upon a number of protected characteristics (including race, color, religion, national origin, age, disability and pregnancy). The City will not tolerate harassment based upon any protected characteristic. Employees of the City can expect that other types of harassment will be handled in accordance with this policy.

#### Penalties for Misconduct:

Any acts of sexual harassment or retaliation against a sexual harassment complainant, or a complainant of other forms of harassment made unlawful under federal and state law, will result in appropriate sanctions, up to and including dismissal, against the offending employee, depending upon the nature and severity of the misconduct.

A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.

#### **4.7 Whistleblower Policy**

The City will not discharge, threaten, or otherwise discriminate or retaliate against an employee regarding any term, condition, or privilege of employment because the employee, or a person acting on behalf of the employee, makes a good faith report, or is about to report, either verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste as defined by Pennsylvania Whistleblower Law. In addition, the City will not discharge, threaten, or otherwise discriminate or retaliate against an employee regarding the terms, conditions, or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.



## **5.0 Employment, Recruiting and Hiring**

### **5.1 Classification of Positions**

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not alter the at-will nature of employment or guarantee employment for any specified period of time.

Each employee is designated as either NONEXEMPT or EXEMPT from receiving overtime under federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

Employees of the City may be classified in any combination of the following ways:

A. Regular. Regular employee positions are those which are not of temporary or introductory status, and are considered a component needed for the consistent operation of the City.

B. Temporary. Temporary employee positions are those which are established to address specific project(s), or as interim replacements and are of limited duration to temporarily supplement the workforce. These positions may be either full-time or part-time. Employment beyond any initially stated duration does not change the status of temporary employees. Temporary employees may not work more than an average of thirty (30) hours per week or more in any month of employment.

C. Full-time. Full-time employees are those employees that work what is considered to be a full-time schedule for the department in which they work. Full-time employees work at least thirty-five (35) hours per week and are generally eligible to receive the City of Altoona's fringe benefits package, subject to the terms, conditions and limitations of each benefit program.

D. Part-time. Part-time employees are those employees that are regularly scheduled to work less than thirty-two (32) hours per week. However, part-time employees may be requested to work additional hours without changing their part-time status.

E. Seasonal. Seasonal positions are those which are established to address specific project(s), or as interim replacements and are of limited duration to temporarily supplement the workforce. Seasonal employee positions are temporary employee positions that occur only during a certain period of the year because of the cycles of nature. Seasonal positions may be either full-time or part-time. Employment beyond any initially stated duration does not change the status of this employment group. Seasonal employees may not work more than one hundred and twenty (120) days in any calendar year of employment.

F. Probationary. Newly hired, promoted or transferred employees are required to complete a probationary term. The performance of these employees is evaluated during this time to determine whether further employment in their new position is appropriate. Those employees

whose performance is determined by the employee's supervisor to be satisfactory during this probationary period will be notified of their new employment status. Those employees, who are at will, remain at will, notwithstanding the completion of their probationary period.

## **5.2 Recruitment and Selection**

The City of Altoona endeavors to recruit and select applicants in accordance with the state and federal equal opportunity and nondiscrimination laws. Therefore, the City will employ outreach efforts to ensure that a diverse section of the population is advised of City employment opportunities. Residents are encouraged and welcome to apply; jobs may be posted internally to promote growth and opportunities among the current employees and the City may use a variety of recruitment sources to gather a qualified pool of candidates.

New applicants will be required to complete an application and may be required to submit to a pre-employment drug test. Applicants may be required to undergo skills testing, if such testing is a reliable measure of an applicant's ability to perform an essential function of the job. Applicants selected for hire will be offered employment conditioned upon a background check and post-offer, pre-employment medical examination. Application requirements will be provided at the time the job is posted.

Uniformed positions, including Police Officers and Firefighters, will follow the Civil Service Rules and Regulations set forth in the City of Altoona's Code of Ordinances.

An employee's official hire date shall correspond to the employee's first day of actual work for the City.

### **5.3 Criminal Background Screening**

Under the Pennsylvania Criminal History Record Information Act (CHRIA), employers may inquire about—and use—criminal history records in hiring decisions provided that:

- A. Felony and misdemeanor convictions may be considered only to the extent they relate to the applicant’s suitability for the position sought; and
- B. The employer must notify the applicant in writing if a decision not to hire him/her is made based partly or wholly on criminal history record information.

Ongoing monitoring of criminal background is completed for all current employees, in accordance with applicable law and/or recommended by regulatory authorities. Any employee convicted of a felony or a misdemeanor is required to report the conviction to the Human Resources Director within 5 days. Such conviction will not necessarily impact employment; the City will determine if the conviction is relevant to the employee’s suitability for the position.

## **5.4 Promotion**

All promotions in the City of Altoona are merit based. However, some promotions may require specific training, skill, and pre-qualification. All promotions are conditional upon the employee's successful completion of a probationary period, as described in the preceding and following sections in this Manual.

## **5.5 Probationary Period**

The length of the probationary period for a newly hired employee will be determined by the hiring Department Head in conjunction with the Human Resources Director and communicated in writing to the prospective employee as part of the official offer of employment. In most cases, the length of the probationary period may vary from a minimum of six (6) months to a maximum of one (1) year, unless otherwise extended by the City Manager.

In cases of promotion or transfer, the employee must complete a second probationary period with each reassignment to a new position. Employees who are promoted or transferred may be removed from the new position any time during the secondary probationary period, if the City judges their performance to be unsatisfactory. In the event this occurs, the employee will be permitted to return to his or her former position or a comparable position for which the employee is qualified. However, this will depend on the availability of such positions and the needs of the City.

## **5.6 Orientation**

All new employees will receive orientation training conducted by Human Resources and members of the City leadership team. Orientation will consist of the completion of required new hire paperwork (e.g., tax, benefits, etc.) training and familiarization with City policies.

## **5.7 Performance Evaluations**

It is the policy of the City to evaluate employee performance on a continuing basis and at periodic intervals. The purpose of formal evaluations is to encourage supervisors and employees to communicate face-to-face about the employee's job performance and behaviors compared to what is desired and expected. This process also provides supervisor and employee an opportunity to discuss development needs.



## **5.8 Work Force Reduction**

While the City will endeavor to avoid work force reductions, certain circumstances may require such action.

In the event that work force reductions cannot be avoided, decisions about work force reduction will be based on a review of: those employees who are necessary to execute City functions; current employee qualifications; employee job performance and years of service. Any reduction in force will be conducted in accordance with applicable state and federal laws. In some instances, a collective bargaining agreement will dictate the process of a work force reduction. If so, the terms of the respective contract will apply.

## **6.0 Standards of Employee Conduct**

### **6.1 Code of Conduct**

Employees are expected to conduct themselves in a professional manner at all times on the job. They are also expected to realize that as public employees they represent the City during non-working hours. Therefore, any employee proven to have engaged in conduct, on or off duty that includes, but is not limited to the following: illegal, unethical, illicit, corrupt or criminal in nature that may reflect negatively on the City may be subject to disciplinary action, up to and including discharge.

## 6.2 Social Media

Social networks have become an increasingly prevalent form of communication in our personal and professional lives. Used responsibly, social media can help positively shape the public's perception of local government and its products, services, and employees. This policy promotes responsible use of social media.

This policy applies to both work and personal use of any form of social media or social networking, including Facebook, Twitter, MySpace, TikTok, YouTube, Snap Chat, Instagram, LinkedIn, Foursquare, Gowalla, Usenet groups, online fora, message boards, bulletin boards, blogs and other similar social media or other site where text, photos, videos, audio files, or other content may be posted and shared (hereinafter collectively referred to as "Social Media"). All employees should exercise good judgment and common sense when accessing and using Social Media. Employee use of Social Media should be consistent with, and not in violation of, this and other policies of the City of Altoona (the "City"), including, but not limited to, the Computer & Internet Use, Information Technology – Acceptable Use, and Information Technology Confidentiality & Security Policies.

While typically what employees do outside of work is their personal business and generally not subject to the City's policies, certain activities, like use of Social Media, may affect employee compliance with policies. As such, use of Social Media as an employee of the City is subject to certain restrictions. Employees are prohibited from posting content that is inconsistent with their duties and obligations as an employee of the City. For example, racist or sexist comments or comments insulting residents, the general public, or groups on the basis of national origin, all tend to undermine the public trust and confidence required of yourself and the City.

Your posted content has the potential to be shared broadly, including with individuals with whom you did not intend to communicate. For example, opposing counsel may subpoena your posts if they are relevant to a lawsuit related to your official duties. Counsel may also use your posts to impugn your reputation or to show bias. Due to increased scrutiny of posts to social networking sites by opposing attorneys we strongly discourage you from posting information regarding off-duty activity that may tend to bring your reputation into question, even if taken out of context. Attorneys can use such information for impeachment purposes.

Employees of the City maintain their rights to speak about matters of public concern and may post on Social Media information about the City, but should neither claim nor imply they are speaking on the City's behalf, unless they are authorized in writing by the City Manager to do so. Public-sector employees have First Amendment speech protection; however, this only applies when they are speaking as a private citizen, their speech pertains to a matter of public concern, i.e., social, political or community matter, and their interest in speaking freely outweighs the City's interest in efficiently fulfilling its public services.

### Prohibitions on Use of Social Media:

A. No employee may post information or images on Social Media that reveals confidential or private information obtained during the course of employment with the City.

B. Employees are prohibited from using Social Media during work hours for personal use. Employees are permitted to access Social Media on their personal devices before and after work hours and during breaks.

C. Employees are prohibited from using Social Media in violation of state, federal or local law, and will be held legally responsible for their postings. Employees should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization, otherwise known as defamation.

D. Employees should not misrepresent their identity when accessing and posting information and content on the Internet in any manner that would adversely affect the operations of the City or City personnel.

E. Employees may not divulge confidential or private information gained by reason of their authority as a City employee, or publish materials that could reasonably be considered to represent the views or positions of the City without express authorization.

F. Employees are prohibited from violating policies contained in this personnel manual via social media, including, but not limited to, the Computer & Internet Use, Information Technology Acceptable Usage, and I.T. Confidentiality & Security Agreement.

G. Employees are prohibited from making threats to employee safety or of workplace violence, as well as speech that is severe enough to constitute a hostile work environment.

Appropriate Uses:

With the required approval from the City Manager, Social Media may be used for:

Community outreach  
Time-sensitive notifications  
Recruiting and Employment  
Marketing and Advertising

A. Privacy. Employees do not have an expectation of privacy on Social Media accessed from technology owned, operated, or leased by the City. Even when content or postings are deleted or erased, it is still possible to retrieve and view that content or posting. Further, the use of passwords for security does not guarantee confidentiality. The City reserves the right to monitor all activity on technology owned by, operated by or leased by the City; this includes all hardware that is a part of the City's network of computers and information stored or backed up on site or off site by the City or agents of the City, and all cell phones and pagers owned or leased by the City. Employees should be aware that their posts may be brought to the City's attention by other employees, supervisors or third parties. The City also reserves the right to request that employees remove postings that are in violation of this policy.

B. Complaints. Employees who have seen and have legal access to posted information that violates the City's policy or any federal, state or local law should print the posting and provide a copy to the City Manager.

C. Violations. Violation of the Social Media policy may result in discipline up to and including discharge from employment

### 6.3 Computer & Internet Use Policy

The City of Altoona provides electronic mail ("E-mail") to its employees, and may provide access to the Internet/Intranet to designated employees, at City expense, for their use in performing their duties for the City. All electronic and telephone communications using City networks, voice mail, or any other systems or equipment owned, licensed, or operated by the City ("City communications systems") are considered City property.

A. Statement of Policy. It is City policy that the E-mail system and, where applicable, Internet / Intranet access, are to be used solely for the benefit of the City. Violations of any of the following policy guidelines, and/or use of E-mail / Internet / Intranet access to violate any other City policies, are subject to disciplinary action, up to and including termination of employment. Any and all opinions stated using these systems, whether implied or expressed, shall be those of the individual user and not necessarily the opinions of the City or its management. All communications are subject to City and departmental policy concerning the release of information.

B. Use of City Electronic Communications is for Work-Related Purposes. Use E-mail and/or the Internet / Intranet for performing lawful City business purposes. All City communications systems hardware, software, temporary/permanent files, and any related systems or devices used in the transmission, receipt, or storage of E-mail/ Internet/Intranet information are City property. Information transmitted or stored on City electronic communications systems is accessible by management with or without prior notice to employees. All E-mail transmissions, World Wide Web browsing requests, file transfers, or other forms of electronic communications may be logged for administrative and/or security purposes. This information may be made available to individual department managers.

C. Harmful or Offensive Email Communications and Internet/Intranet Transmissions are Forbidden. E-mail and/or the Internet / Intranet should not be used in any way that is offensive or harassing, this prohibition includes the display or transmission of sexually explicit images, cartoons, jokes or messages; vulgarities, obscenities, sarcasm or exaggerations. Employees are strictly prohibited from sending E-mail messages of a harassing, intimidating, or discriminatory nature. No political use as stated in Section 6.05c of the City of Altoona Administrative Code is permitted.

D. Tampering with the Security of Computer Network, Equipment, and Information Resources is Forbidden. Do not access without authorization or tamper with the security of computer/network equipment, files or E-mail records of any employee. Attempts to bypass City computer network security controls (i.e., using unauthorized passwords, etc.) are forbidden. Electronic "snooping" to satisfy idle curiosity about other individuals is forbidden.

E. Copyright Infringement and Plagiarism are Forbidden. Do not use City electronic communications systems to copy, transmit, or plagiarize information and/or software protected by copyright laws and/or licensing agreements without copyright authorization. Only licensed software owned by the City shall be installed on City computers. The exception to this would be programs such as Adobe Acrobat Reader which is available for free. Any software to be installed on City computers should have the approval of the Information Technology Manager.

F. PC and Internet-Based Games. The installation and/or use of any PC or Internet based games are prohibited. Use of streaming audio, video, or radio unless directly related to City work is prohibited.

G. Information Technology Procurement. The procurement of all IT related items must be approved by the Information Technology Manger. This includes PCs, accessories, software, printers, printer supplies and services.

H. Confidential Information Must Be Handled Appropriately. Avoid using electronic communications systems to send confidential, privileged, and/or sensitive information. Employees must exercise a much greater degree of caution in transmitting confidential information by E-mail and/or the Internet / Intranet, because of the reduced effort that is required to redistribute information (i.e., the touch of a button). Confidential information must never be transmitted to anyone who is not authorized to know or receive such information. To reduce the possibility that confidential information may be sent inadvertently to the wrong person(s), avoid the use of "multiple distribution" lists when sending information. Make sure that "current" lists are used. Review each name on a recipient list before each transmission to ensure that all recipients have a need to know and are authorized to receive the information.

Some examples of information which may be considered confidential include, but are not limited to:

- Information from a personnel file (e.g., Social Security number, personal and/or family information, address and telephone information, etc.);
- private correspondence of elected or appointed officials;
- information that, if released, would give a competitive advantage to one competitor or bidder over another;
- information relating to legal advice, questions, proceedings, or proposed legislation;
- information related to the regulation of financial institutions or securities;
- trade secrets, commercial or financial information of outside businesses.
- Other sensitive personnel information.

I. Disciplinary Procedure. Employees determined to be in violation of this policy will be subject to progressive discipline. Violations of a severe and/or persistent nature may be considered cause for more extensive discipline up to and including termination of employment with the City.

## **6.4 Conflict of Interest**

A. It is the City of Altoona's policy that all employees avoid any conflict between their personal interests and those of the City. The purpose of this policy is to ensure that the City's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the City.

B. It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. Holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the City, by any employee who is in a position to directly or indirectly influence either the City's decision to do business, or the terms upon which business would be done with such organization.
2. Acquiring from an organization with which the City of Altoona transacts business any personal gain in the form of a kickback, bribe, gift, discount, or any other type of special advantage received as a result of the employee's position with the City.
3. Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the City which has interests that may conflict with those of the City.
4. Participating in any activity that is inconsistent with the ethics laws of the Commonwealth of Pennsylvania or rulings of the Pennsylvania State Ethics Commission.
5. Any activity prohibited by the Pennsylvania Public Official and Employee Ethics Act ("State Ethics Act").

C. The acceptance of all gifts and courtesies is only permissible as set forth in the State Ethics Act.

D. It is crucial that employees disclose any influence on business involving purchases, contracts or leases that they may have to the City Manager as soon as possible. This will allow the City Manager to take such precautions to protect all parties. It is also important to note that no "presumption of guilt" is established by the mere existence of a relationship with outside firms.

E. The State Ethics Act prohibits public employees and officials from using the authority of their office/employment, or confidential information received by holding such position, for the private pecuniary benefit of the official/employee, any member of his/her immediate family, or a business with which he/she or a member of his/her immediate family, or a business with which he/she or a member of his/her immediate family is associated.



F. The State Ethics Act also prohibits a public official or employee, or his/her spouse or child or any business in which the person or his spouse or child is associated, from entering into any contract valued at \$500 or more with the City, or any subcontract valued at \$500 or more, with any person who has been awarded a contract with the City unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the official or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

G. The State Ethics Act also prohibits a public official, employee, or nominee or candidate for public office from soliciting or accepting anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment, based on any understanding of that official, employee or nominee that the vote, official action, or judgment of the official or employee or nominee or candidate for office would be influenced thereby.

H. City employees who are responsible for taking or recommending official action of a non-ministerial nature with regard to the following items, must complete a State Ethics Commission Statement of Financial Interest Form: contracting or procurement; administering or monitoring grants or subsidies; planning or zoning; inspecting, licensing, regulating or auditing any person; or, any other activity where the official action has an economic impact of greater than a *de minimus* nature on the interests of any person. Elected Officials must also complete the same form, but not members of purely advisory boards.

For additional guidance, employees should reference the Pennsylvania State Ethics Commission website, <https://www.ethics.pa.gov/Ethics-Act/Ethics-Act/Pages/default.aspx>, or consult the City Clerk or Human Resources Department.

## **6.5 Political Activities / Donations**

With the exception of his or her own candidacy or that of a member of his or her immediate family, no employee of the City of Altoona shall take an active part in political campaigns or political management. This includes the solicitation of political contributions. If an employee of the City of Altoona wishes to become a candidate for a public office that has business influence or other interaction with the City, he shall resign his or her position with the City prior to becoming a candidate for public office.

Any employee who willfully violates these requirements shall be subject to disciplinary action, up to and including termination.

## **6.6 Outside Employment**

The City of Altoona allows employees to hold an outside job as long as they meet the required performance standards of their position, and it does not create a conflict of interest. In such cases, employees remain subject to the City's performance standards and scheduling demands, regardless of outside work commitments.

A. Employees may be asked to terminate outside employment if their Department Director and the City Manager can show that outside work interferes with their performance, their ability to meet the job requirements, or creates a conflict of interest.

B. Employees who hold management positions must disclose any other employment, including consulting arrangements for review by the City Manager.

## **6.7 Care of City Facilities and Equipment**

Employees of the City of Altoona are to make every effort to use all City facilities and equipment with care. Caution should be exercised to prevent loss, theft, destruction or damage of City property in accordance with the proper security and maintenance procedures.

In addition, no employee of the City shall use City tools, equipment or supplies for their own personal use under any circumstances without permission from the appropriate Department Head and the City Manager.

## **6.8 Access to City Offices, Desks, etc.**

A. All City property and facilities, such as desks, file cabinets, lockers and offices, are provided to employees for the sole purpose of executing City work. Therefore, all employee desks, offices and other City provided property are subject to search by the City, without warrant, when there is a reasonable need for access.

1. A reasonable need for access may include retrieval of work-related materials, safeguarding or identifying City property, investigation of violations of workplace rules, or any other reason permitted by law.
2. In this regard, employees should not store personal papers or items that they wish to remain private in City offices.

## **6.9 Professional Dress**

Since the appearance of employees is a reflection of the City, employees must dress and groom in a manner that is appropriate to their working conditions. Should an employee report to work improperly dressed or groomed, his/her supervisor must instruct the employee to return home to change.

Some important considerations regarding your personal appearance include, but are not limited to the following:

1. Personal grooming, including hair and tidiness of clothing. Hair must be clean and neatly combed.
2. Employees are expected to be free of offensive odors (i.e., body odor, excessive perfume, etc.).
3. No visible pierced jewelry, other than earrings (nose studs acceptable), should be worn during work hours (other than religious reasons).
4. Facial tattoo or tattoos that may be considered offensive must be covered during working hours.
5. Clothing that includes profane, obscene, or offensive words or symbols are not permitted.
6. Clothing which is sexually suggestive, provocative or revealing is not permitted.
7. Clothing with messages related to drugs, alcohol, sex, or violence is not permitted.

Requests for accommodation based on an employee's bona fide religious beliefs will be evaluated on a case-by-case basis.

## **7.0 General Personnel Policies**

### **7.1 Employment Records Management**

The City of Altoona maintains a permanent personnel record on every employee. An employee's personnel file includes such information as his or her job application, resume, performance appraisals, salary increase documentation, and other employment records.

Personnel records are the property of the City of Altoona, and as such, their contents are confidential and access to them is restricted. In general, only supervisors and management personnel who have a legitimate reason to access the information are allowed to review personnel files or as permitted by law (Pennsylvania Personnel Files Act 43 P.S. §1321 et seq.).

Employees who wish to review their own personnel file, may do so in the City of Altoona's offices with reasonable advance notice and in the presence of the Human Resources Director, and his or her designee. An employee, or his or her authorized representative, may take hand written notes on the employee's personnel file, but no portion of the file may be photocopied or removed from the City offices without written permission from the Human Resources Director.

## **7.2 Changes to Personnel Data**

Each employee must promptly notify the City's Human Resources Department of any changes in personnel data. The City should always have current and accurate information on its employees, such as personal mailing address, telephone numbers, number and names of dependents and individuals to be contacted in the event of an emergency.



### **7.3 Employment Reference Checks**

Upon a reference check inquiry from other employers, the City of Altoona will confirm only dates of employment, wage rates, and position(s) held. No other employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry. Employees should consult the Human Resources Director for the procedures for all reference checks.

#### **7.4 Hiring of Relatives and Employee Relationships**

The City does not permit the employment of any individual in a position resulting in direct reporting relationship between relatives or any members of the same household. If marriage, promotion or other action creates this situation, one of the individuals will be reassigned, transferred or potentially asked to resign as determined by the City Manager and Human Resources Director. Each case will be reviewed and evaluated individually.

Employment of immediate family members or any members of the same household, outside a direct reporting relationship will be reviewed on a case-by-case basis. Approval may only occur after determining such employment will not create the appearance of a conflict of interest, or have other adverse effects on business operations. Immediate family is defined as spouse, parent, parent-in-law, brother, sister, child, step child, and grandparent. Prior approval must be obtained from the Human Resources Director.

## **7.5 Immigration Law Compliance**

The City of Altoona employs only United States Citizens and aliens who are legally authorized to work in the United States. If you are a new employee, as a condition of employment, you completed the Employment Eligibility Verification Form (Form I-9) on the first day of employment and were required to present supporting documentation establishing your identity and employment eligibility within three (3) days. If you were previously employed by the City in a seasonal capacity and have been rehired, you will be required to complete a new I-9 Form.

If you have questions or need more information on immigration law issues, you should contact the Human Resources Director. You may raise questions or complaints about immigration law compliance without fear of reprisal.

## **7.6 Information Technology Acceptable Usage**

It is the policy of the City of Altoona that Information Technology (IT) systems are to be used for business purposes in serving the interests of the City in the course of business operations. The purpose of this is to protect the City's employees, partners and the City from illegal or damaging actions by individuals, either knowingly or unknowingly. Effective security is a team effort involving the participation and support of every employee and affiliate who deals with IT systems. Employees will be required to review and acknowledge an I.T. Confidentiality & Security Document as well as reference the Computer and Internet Use Policy.

## 7.7 Controlled Substance and Alcohol Abuse

The City of Altoona is committed to maintaining a safe and productive workplace free of controlled substances. In pursuit of that commitment, the City of Altoona has adopted the following measures in regards to a Drug Free Work Place.

A. Any employee using, possessing, distributing, selling or under the influence of alcohol, a controlled substance or illegal drug on City premises or while performing City work, will be subject to disciplinary action, up to and including termination of employment. Criminal prosecution may also occur when criminal conduct is involved.

B. Any employee convicted of any federal or state criminal drug statute for a violation occurring in the workplace must notify the City of that fact within five (5) calendar days of the conviction. Failure to report the conviction in accordance with the above will result in:

1. Termination of employment; Prohibition from future employment;
2. Civil liability for any loss of federal funds resulting for the failure to report the conviction.

C. Any employee who reports to duty in an altered or impaired condition which is the result of the use of controlled substances or alcohol will be subject to disciplinary action. If the City grants a leave of absence pending the employee's completion of a drug rehabilitation program, such leave shall in no way limit or alter the City's right to take disciplinary action for a violation of this policy, up to and including termination.

D. Employees will not be prohibited from the legal use of a prescription drug, provided it does not impair or alter the employee's ability to perform his or her essential job functions in an effective and safe manner that does not endanger him or herself or others. Employees should consult their Physician about the medications' effect on ability to work safely and must promptly disclose any work restrictions to their supervisor.

E. With the approval of the City Manager or Human Resources Director, the City of Altoona reserves the right to require employees to submit to physical examination including blood and urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is a reasonable suspicion that an employee's work performance or safety is, or could be, affected by the condition.

### Drug and Alcohol Testing:

A. Pre-employment. Applicants in positions identified as requiring a pre-employment drug and alcohol test are required to submit to testing after a conditional offer of employment had been made. Refusal to submit to testing will result in disqualification of further employment consideration.

B. Reasonable Suspicion. The City will conduct drug and alcohol testing if and when there is reasonable suspicion to suspect an employee is under the influence of drugs and/or alcohol

while on duty. The determination that reasonable suspicion exists to require the employee to undergo a drug and alcohol test must be based on specific, contemporaneous, articulable observations by a supervisor concerning the appearance, behavior, speech or body odors of the individual. The observations may include indications of the chronic and withdrawal effects of controlled substances. An employee's refusal to submit to the test at the time requested may result in disciplinary action up to and including termination. A written record of the observation must be made within 24 hours.

C. Post-Accident. Employees are subject to testing when they cause or contribute to accidents that seriously damage the City's vehicles, machinery, equipment or property (City or other) or result in an injury to themselves or another employee requiring offsite medical attention. In any of these instances, the investigation and subsequent testing must take place in a timely manner following the accident. Refusal by an employee will be treated as a positive test result and could lead to discharge. The employee may be required to submit to drug testing as soon as possible after an accident, but in no case later than thirty-two (32) hours after the accident. The employee may be required to submit to alcohol testing as soon as possible after an accident, but in no case later than eight (8) hours after the accident. If, due to injuries, the employee cannot submit to testing within the prescribed time, the employee will provide the City with necessary authorization required to obtain hospital reports and other documents that would indicate the presence or non-presence of any drugs and/or alcohol in the employee's system at the time of the accident.

D. Random. The City will only administer random drug and alcohol tests for those positions in which it is required by State and Federal law. Information regarding the random testing policy can be referenced in the City of Altoona "Substance Abuse Policy for Truck Drivers." The City of Altoona complies with all DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations.

#### Collection and Testing Procedure:

Collected specimens will be sent to certified laboratories, including a chain of custody from the time specimens are collected through testing and storage. All positive drug test results will be sent to a third-party medical review officer (MRO) who will offer individuals a reasonable opportunity to rebut or explain results. Employees with positive tests may ask the MRO to have their split specimen sent to another certified lab at their own expense. Such requests must be made within 72 hours of notice of test results. If the second certified laboratory fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as a passing test.

Under no circumstances will an employee who is potentially under the influence of drugs or alcohol be allowed to drive themselves to the testing facility. A member of management must transport the employee to the testing facility and subsequently home.

If the City allows an employee to return to duty after a positive drug or alcohol test and after the employee has undergone all recommended treatment by a Substance Abuse Professional, the employee may be tested for alcohol and drugs prior to being returned to duty and may be subject to follow-up testing.

Any test results will constitute medical information and will remain confidential except for their use in the official safety investigation, grievance, criminal prosecution of the employee, or defense of the discipline or discharge of the employee.

Self-Disclosure & Referral Program:

An employee who recognizes that they may have or are developing a drug or alcohol problem may seek voluntary assistance through the Employee Assistance Program (EAP). Voluntary admission with subsequent participation in the EAP or a rehabilitation program may not be used to circumvent disciplinary action, nor can the admission and enrollment be made on the day of the drug and alcohol test. Continued employment following rehabilitation is conditional upon satisfactory completion of the rehabilitation program and certification from a Substance Abuse Professional.

## 7.8 Vehicle Use Policy

- A. Access:
1. The Department Director, with the ultimate approval of the City Manager, will determine which employees may have access, or will be assigned to, City-owned or leased vehicles. An annual review will be conducted to assess the needs of the department in relation to vehicle assignments.
  2. The Department Director, with the ultimate approval of the City Manager, will determine which employees may take City-owned or leased vehicles home on a regular or non-regular basis.
  3. The Department Director, with the ultimate approval of the City Manager, will determine which employees may use personal vehicles for the conduction of official City business.
- B. Responsibilities:
1. Operator's License: Any employee who operates a City vehicle or City equipment, or who uses a personal vehicle for the conduction of official City business, shall provide his/her department director with a photocopy of his/her current valid driver's license. A Motor Vehicle Record (MVR) check may be conducted.
  2. Insurance: Any employee who operates a personal vehicle for the conduction of official City business must provide his/her department director with a photocopy of his/her vehicle insurance policy showing the policy number and effective date.
  3. Income Tax: Any employee who operates a City-owned or leased vehicle shall be expected to comply with all pertinent rules, regulations, and guidelines as established by the Internal Revenue Service.
  4. Accident Reporting: Any employee who is involved in an accident in the course of conducting official City business, whether operating City-owned vehicle or equipment, or operating a personal vehicle for the conduction of official City business, must report the accident to his/her supervisor or department director and complete a "Report of Automobile Loss" form available in the Department of Accounting and Finance. In addition, if the accident occurs within City limits, the Altoona Police Department must be notified regardless of the extent of damage.
  5. Smoking: Smoking is prohibited in any City vehicle, apparatus, or equipment.
- C. Permitted Uses:
1. Conducting official City business.
  2. Performing normal or assigned duties.
  3. Stopping for lunch or medicines during break periods in the course of performing normal assigned duties.
  4. Attending conferences, seminars, classes, meetings, and other function pre-approved by the employee's supervisor or department director.



- D. Non-Permitted Uses:
1. Operating a vehicle without a current valid motor vehicle operator's license.
  2. Operating a personal vehicle for the conduction of official City business without current operator's insurance.
  3. Operating a vehicle after consuming alcohol beverages or illegal substance or intoxicants or in any manner contrary to the City's Substance Abuse Policy.
  4. Purchasing and/or transporting alcoholic beverages or any illegal substance or intoxicant.
  5. Operating a vehicle while on medication that impairs or hinders safe operation.
  6. Operating a vehicle with a physical impairment that hinders safe operation.
  7. Allowing persons other than authorized City employees to operate the vehicle.
  8. Transporting persons other than those authorized by the employee's supervisor or director.
  9. Passengers in all non-law enforcement vehicles are limited to employees, public officials, and only persons engaged in the conduct of City business.
  10. Operating a vehicle without using a safety belt at all times.
  11. Pushing or towing other vehicles.
  12. Operating a vehicle that does not have a currant inspection sticker.
  13. Operating any vehicle without authorization from the employee's supervisor or department director.
  14. Taking a vehicle home without permission from the employee's supervisor or department director.

## **7.9 Media Requests**

All requests for information related to an incident, accident, or any other occurrence by an outside party, including newspaper, television, social media, radio representative, etc. must be referred to the City Clerk. No employee may represent themselves to the media as an official spokesperson speaking on behalf of the City unless the employee has been designated in advance by the City of Altoona.

## **8.0 Employee Benefits**

### **8.1 Benefit Plans**

In addition to normal wages or salaries and paid time off, the City offers a number of other benefits to employees. Eligibility for some or all of these benefits is dependent on certain factors. Factors such as full-time or part-time status as well as membership in a collective bargaining unit are major components in establishing benefit eligibility.

Those employees of the City of Altoona covered by a collective bargaining agreement should consult their respective agreement first to identify the specific benefits to which they are entitled. With the exception of those specific items specifically restricted by the language contained in a collective bargaining agreement, the City reserves the right, where permissible by law, to make changes to the benefits included herein.

If there is a conflict between the description of benefits in the manual and the plan documents, the description in the plan documents will control.

## 8.2 Changes in or Termination of Benefit Plans

Because most benefits are paid for on a pre-tax basis, the IRS will only allow employees to change or terminate benefit elections during open enrollment, unless you experience a qualified change in status.

- A. Qualified changes in status include but are not limited to the following:
1. Marriage, divorce, legal separation or annulment
  2. Birth, adoption or placement for adoption of a child
  3. Employee spouse's or dependent's gain or loss of a job
  4. A gain or loss of coverage through your spouse's employer
  5. A change in work schedule that affects your benefit eligibility (e.g., full time to part-time)
  6. Your child's gain or loss of eligibility status
  7. Death of a spouse or dependent child
  8. A Qualified Medical Child Support Order
  9. Entitlement to Medicare

B. You have thirty (30) days from the date of the qualified change in status to change your benefit coverage. Employees are to contact Human Resources. The change in coverage must be consistent with the change in status.

### **8.3 Employee Assistance Program (EAP)**

The EAP provides confidential referral services. The EAP is free, confidential, and no enrollment is required. The EAP can help with issues such as marital or family problems, stress, anxiety or depression, alcohol or drug abuse, health challenges, or grief and loss. The EAP is available 24 hours per day, 365 days per year to employees on a voluntary basis and the City encourages anyone needing help to utilize it.

All contact with the EAP and any services provided to the employee by the EAP are held in confidence unless disclosures are required by state and federal laws. Employees may be referred to the EAP as part of a performance improvement plan or to assist employees in addressing areas of deficiency that are negatively impacting their job performance.

## **9.0 Payroll Practices**

### **9.1 Salary and Wage Administration for Non-Bargaining Unit Employees**

Compensation for all non-bargaining unit employees shall be set by the City Council and shall continue in force thereafter until modified or changed by order of the City Council.

## **9.2 Overtime Procedures**

Non-exempt employees working over forty (40) hours in a work week shall be paid one and one-half their normal hourly rate, in accordance with the Fair Labor Standards Act. Overtime pay is based on the actual number of hours worked.

A non-exempt employee must obtain approval from his/her Department Head before any overtime is performed. Any non-exempt employee that fails to obtain advance authorization may be subject to disciplinary action up to and including termination.

Non-exempt non-bargaining unit employees will be given the opportunity to volunteer to work overtime in order to satisfy operational needs that cannot be met during the regular working hours. In the event the needs are so great as to necessitate extra hours of work, non-exempt non-bargaining unit employees may be required to work extended periods of mandatory overtime or as requested by the City Manager to meet City needs.

Being paid on a “salary basis” refers to an employee who regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis which cannot be reduced because of variations in the quality or quantity of work. An exempt employee must receive his or her full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work and will not be, unless appropriate accrued paid leave is utilized.

### **9.3 Holiday Pay**

Unless specifically modified by terms contained in a collective bargaining agreement, each hourly-paid City employee who is otherwise eligible to receive holiday pay and is required to work in order to provide municipal services on any holiday observed by the City will be compensated at a rate of time and one-half (1½) his or her prevailing rate. Call-outs shall be made by the Department Head and subject to the approval of the City Manager.



## **9.4 Time Keeping**

All employees are responsible for accurately recording time worked. The City of Altoona is required by federal and state laws to keep an accurate record of time worked in order to ensure proper calculation of employee pay and benefits.

Any employee caught altering, falsifying, or tampering with his or her own or another's time records may be subject to disciplinary action up to and including termination of employment.

To verify the accuracy of the time recorded, all employees must sign their time records. Each employee's Department Head will review and sign the time record before it is submitted to payroll processing. Both the employee and the supervisor must verify the accuracy of any changes by initialing the time record whenever corrections or modifications are made.

Time records must be submitted to the Finance Department on a bi-weekly basis and in accordance with the City's payroll schedule.

## 9.5 Payroll Deductions

The law mandates that the City of Altoona makes certain deductions from every employee's paycheck. Among these are applicable federal, state, and local income taxes. In addition, the City is also required to deduct Social Security and Medicare taxes on most employees' earning under the Federal Insurance Contribution Act (FICA).

An employee may voluntarily authorize deductions, other than those required by law, be taken from their paychecks to cover the cost of participating in various benefit programs. All voluntary employee payroll deductions utilizing the City's services must be submitted to the City in writing stating the starting date, amount and all other information necessary for such a deduction. The City reserves the right to limit the number and types of voluntary deductions from employee paychecks.

If deductions are made from an employee's predetermined salary, because of municipal operating requirements, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available. Deductions from pay are permissible when an exempt employee is either:

- A. Absent from work for one or more full days for personal reasons, other than sickness or disability;
- B. Absent from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- C. In receipt of amounts as jury or witness fees; or
- D. On an unpaid disciplinary suspension for one or more full days, imposed in good faith or workplace conduct rule infractions.

The City is not required to pay an employee's full salary in the initial or final week of employment; for penalties imposed in good faith for infractions of safety rules of major significance; or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either a partial-day or full-day deduction may be made.

It is the policy of the City to comply with the "salary basis" requirements of the FLSA. Therefore, those preparing paychecks are prohibited from making any improper deductions from the salaries of exempt employees. If you believe that an improper deduction has been made to your salary or that overtime was worked and not paid, you should immediately report this information to your direct supervisor.

Reports of an improper deduction from wages or an overtime denial will be promptly investigated. If it is determined that an improper deduction or denial has occurred, you will be promptly reimbursed for any improper deduction or paid for overtime worked.

## **9.6 Payday**

Except as otherwise dictated by a collective bargaining agreement, employee compensation shall be payable every other Friday.

The City of Altoona makes every effort to ensure that not only do employees receive the correct amount of pay in each paycheck, but also that employees are paid on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, or if there has been an improper deduction from pay, the employee should promptly bring the discrepancy to the attention of the Finance Director.

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, or if there has been an improper deduction from pay, the employee should promptly bring the discrepancy to the attention of the City Manager so that the problem can be investigated and corrections can be made as quickly as possible. The City reserves the right to correct errors or deduct obligations due to the City by an employee with a written explanation to the employee.

## **10.0 Hours of Work**

### **10.1 Work Week**

The work week begins Saturday at 12:00 a.m. and ends Friday at 11:59 p.m. The total number of hours worked during this timeframe is contingent on the employee's position classification.

## **10.2 Work Day**

The average work day for non-uniformed, non-represented employees is eight (8) hours and is scheduled during the hours of operation of the City buildings in accordance to departmental need.

Unless they have prior authorization from their Department Head, non-uniformed, non-represented employees will not report to work anymore than fifteen (15) minutes prior to their scheduled starting time, nor should they stay more than fifteen (15) minutes after their scheduled stop time. Failure to follow this directive may result in disciplinary action up to and including termination of employment.

Represented employees should reference any applicable Standard Operating Procedures (SOPs) or assigned collective bargaining agreements.

### **10.3 Work Schedules**

Employees will be advised of their schedule by the head of their department, unless otherwise dictated by a collective bargaining agreement.

Operational and staffing demands may require variations in the total hours, starting times or ending times that may be scheduled on a given day or in a given week.

#### **10.4 Meal Periods**

A meal period of sixty (60) minutes shall be provided for all full-time non-bargaining unit employees each workday unless otherwise indicated. Meal periods and breaks are set by the employee's supervisor to facilitate the scheduling of operations as well as comply with State law. Employees who are unable to take a meal period should notify their supervisor.

## **10.5 Emergency Closing**

Emergency situations, such as severe weather, fires or power failures can disrupt the operation of the City. In extreme cases, these situations may force the City to close a work facility.

The City Manager shall have the sole authority to determine when an emergency closing will take place.

When emergency conditions necessitate the official closing of operations, the work time that it causes employees to miss will be paid. If an employee is scheduled off for leave on such a day, the employee will be charged with a leave day.

However, employees in essential operations may be asked to work on a day that operations are officially closed due to emergency conditions. These employees will receive regular pay.



## **11.0 Absence from Work**

### **11.1 Attendance and Punctuality**

In order to maintain a productive work environment, the City of Altoona expects all of its employees to be dependable and punctual in reporting to work. When employees are absent or tardy, it is a burden not only to the City, but also to other employees. Employees are expected to report to their work area in a prompt and prepared manner, including allotting themselves sufficient preparation time to start work. Employees are to begin work at their designated time.

However, the City does realize that on rare occasions employees must be late for work, or miss a day all together. In these instances, the employee should notify his or her Department Head as soon as the tardiness or absence can be foreseen, and otherwise conform with any other specific rules that the Department Heads or individual collective bargaining agreement may establish for employees within their respective departments. The City may verify any and all circumstances surrounding any absences for clarification if warranted.

Along the same lines, employees are expected to remain in their work area until the end of their scheduled workday. If an employee must leave early for any reason, they must obtain authorization from their supervisors prior to departing. If an employee has been approved by their supervisor to either begin work prior to their scheduled start time, or continue working past their scheduled quit time, they will be paid appropriately.

## **11.2 Paid Time Off**

The City provides full-time non-bargaining unit employees with paid time off, including vacation, personal, and sick leave. Employees are required to use paid time off when unavailable to report for scheduled “normal” hours. Employees subject to a CBA should refer to the contract.

Employees are to work with their supervisor in order to request time off. This includes providing appropriate timely notice.

Employee sick time is accrued, is not an entitlement, and must be used for injury or illness. Employees must follow appropriate reporting off procedures and may need to provide proof of absence depending on the total number of days missed.

Payment of any paid time off as a result of voluntary termination or lay off is defined in the employee’s applicable CBA. Employees subject to a CBA should refer to their contract.

### 11.3 Family and Medical Leave

#### A. Eligibility and Leave Requirements:

1. The City of Altoona is covered under the Family and Medical Leave Act of 1993, as amended (“FMLA” or “Act”). In instances where the City has 50 or more employees on the payroll, employees may be eligible for benefits under the FMLA.
2. Any employee with at least one (1) year of service and who has worked at least 1,250 hours in the last 12 months will be eligible to take up to 12 workweeks of FMLA leave during a 12-month period for any of the following reasons:
  - a. The birth of a son or daughter and in order to care for such son or daughter (leave must be taken and completed within 12 months after birth), or
  - b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter (leave must be taken and completed within 12 months after placement), or
  - c. To care for a spouse, son, daughter, or parent with a serious health condition, or
  - d. An employee’s own serious health condition that makes the employee unable to perform the functions of his/her job, resulting in a period of incapacity of more than three (3) consecutive calendar days, or
  - e. A qualifying exigency arising out of the fact that the employee’s spouse, son/daughter or parent (but not in-law) is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. The term “covered active duty” means (i) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (ii) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10.
3. Any City employee with at least one (1) year of service and who has worked at least 1,250 hours in the last 12 months and who is the spouse, son, daughter, parent or closest blood relative of a covered servicemember will be eligible for up to twenty-six (26) workweeks of Service Member Caregiver Leave during a single 12-month period to care for a service member who is:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty within the meaning of 10 U.S.C. 101(a)(13)(B) that may render the member medically unfit to perform the duties of the member's office, grade, rank or ranking; or
  - b. A veteran, honorably discharged, who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- 4. If an employee has been previously employed by the City of Altoona, but has had a break in service of seven (7) years or more, that employee's past service with the City is not counted for FMLA eligibility purposes, EXCEPT:
  - a. Where the break in service was due to fulfillment of the employee's military obligations in either the National Guard or the Reserves; or
  - b. Where leave of more than seven (7) years is approved in a Collective Bargaining Agreement or other written document that concerns the City's intent to rehire the employee.
- 5. During the single twelve (12) month period described in Paragraph A.3, an eligible employee shall be entitled to a combined total of twenty-six (26) workweeks of leave under Paragraphs A.2 and A.3. Nothing in this paragraph shall be construed to limit the availability of leave under Paragraph A.2 during any other twelve (12) month period.
- 6. The twelve-month period under Paragraph A.2 is calculated on a rolling basis beginning on the first day of eligible leave counting backwards twelve months from that date. Regardless of the method used by the City to calculate the 12-month period in Paragraph A.2, the City must always calculate the "single 12-month period" for Service Member Caregiver Leave (Paragraph A.3) beginning on the first day of leave and ending 12 months thereafter.
- 7. FMLA leave for birth or placement under A.2. and A.2.b must be taken at one time in consecutive days or weeks. Leaves of absence due to serious health conditions under A.2.c and d and Service Member Caregiver Leave, Paragraph A.3, may be taken intermittently or on a reduced schedule, when

medically necessary, and provided the employee complies with the procedures as set forth in Paragraph B.4.

8. If both spouses are employed by the City of Altoona and are otherwise eligible for FMLA leave, they are permitted to take only a combined total of 12 workweeks leave during any 12-month period for a) the birth of a son or daughter and to care for the newborn child; b) for placement of a child with the employee for adoption or foster care; and c) to care for the employee's parent (not parent-in-law) who has a serious health condition. If leave is taken for other reasons, such as the employee's own serious health condition or to care for a child with a serious health condition, the husband and wife can each use up to twelve (12) weeks of leave individually. A husband and wife can take only a combined twenty-six (26) weeks of FMLA qualifying leave during a single twelve (12) month period for service member caregiver leave.
9. Employees must use all sick days left in the year as part of their twelve (12) workweeks of FMLA leave. After sick days have been used, the employee must use their personal and/or vacation days. If the employee is taking leave to care for a covered family member, vacation days are used first and then sick days until both are exhausted. After vacation and sick days have been exhausted, the employee is off duty on FMLA leave without pay. Leave for a work-related injury or illness also runs concurrently with leave under the FMLA.
10. Employees using unpaid FMLA leave shall not be entitled to bereavement or jury duty pay while on such leave.
11. During any period of FMLA leave, the City will continue to make premium payments to maintain an employee's health care coverage under the same terms and conditions as in existence on the date leave begins, or as changed during the period when the employee is on leave. However, the employee is required to maintain timely payment of their portion of the health insurance premium copay. If any payment is more than thirty (30) days past due, the City will terminate health care coverage for the duration of the leave period. Coverage will be restored upon return to work.
12. The City will be entitled to recoup the costs of providing health care coverage for an employee during the leave period if the employee fails to return to work at the conclusion of his/her FMLA leave period. This obligation does not apply in a situation where the City grants an additional leave of absence and the employee subsequently returns to work or where the employee is unable to return to work for reasons beyond his/her control.

B. Employee Responsibility:

1. When requesting FMLA leave whether paid or unpaid, a 30-day advance written notice is required where the necessity for leave is foreseeable. Where the need for leave is not foreseeable, the employee must provide such notice as soon as practical (within one or two days of discovering the need for leave). Failure to provide such notice may result in the employee's leave being delayed or denied.
2. Employees requesting leave pursuant to Paragraphs A.2 c, d and A.3 must, in conjunction with their relevant health care provider, submit medical certification of the need for leave prior to the start of the leave. Failure of the employee to provide the completed forms to the City of Altoona within fifteen (15) days of the City's request for such forms may result in denial of leave until certification is provided or revoking an employee's entitlement to continued leave. An employee shall have seven (7) days to correct an incomplete or insufficient medical certification from the date the employee is notified of such a deficiency by the employer. Employees will be required to provide recertification of the serious health condition consistent with the Act. The City of Altoona may request additional certification set forth in the regulations (§§825.309 (a-d), 825.310(c)) from an employee requesting leave to care for a covered Service member or an employee requesting leave for a qualifying exigency.
3. Employees requesting an intermittent leave or leave on a reduced schedule due to a serious health condition under Paragraph A.2 c, d or a serious injury or illness of a covered service member under Paragraph A.3 must first make a reasonable effort to schedule any treatment so as to not unduly disrupt the operations of the City of Altoona (if such need is reasonably foreseeable) and provide as part of the medical certification from the health care provider a statement as to why such leave is medically necessary. A medical certification form may be obtained by contacting the City's Personnel Director or by obtaining a form from the U.S. Department of Labor's website.
4. Employees are required to notify the City of their intent to return to work every thirty (30) days and, where applicable, are required to recertify their medical certification:
  - a. Every 30 days if the original certification did not specify a longer minimum duration for the condition; or
  - b. At the expiration of the minimum duration for the condition set forth in the certification or every 6 months, whichever occurs first.
  - c. Recertification may be required sooner as set forth in the Act.

5. Employees returning from a leave due to their own serious health condition must provide a “Fitness for Duty/Return to Work” certification from their health care provider prior to reinstatement if such certification is routinely required for employees returning from other forms of medical leave.

C. Employer’s Responsibility:

1. Within five (5) business days of an employee’s request for FMLA leave, the City must provide the employee with an eligibility notice explaining whether the employee is eligible for FMLA leave, and if not, why leave is not available. The City shall designate any leave as FMLA leave in writing upon receiving sufficient information to determine that the leave qualifies, shall notify the employee of the amount of leave counted against the employee’s FMLA entitlement and shall also inform the employee of this fact and of any paid vacation, personal or sick time that must be used as part of the twelve (12) week FMLA leave, or 26-week Service Member Family Leave.
2. If the City of Altoona has reason to doubt the validity of any medical certification provided, the City of Altoona may, at its own expense, require a second opinion of a health care provider approved or designated by the City of Altoona, so long as the provider is not employed on a regular basis by the City of Altoona. If there are conflicting medical opinions, a third opinion, which will be final and binding on both the City and the employee, may be required by the City, at the City’s expense, from a health care provider approved jointly by the City and the employee. In addition, the City may seek clarification or authentication of a medical certification or recertification from the health care provider.
3. An employee who requests intermittent leave or a reduced leave schedule that is foreseeable based on planned medical treatment may be temporarily transferred, at the City’s option, to an alternate position having equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.
4. The City will be responsible for keeping records required under the FMLA and for ensuring that all medical information is kept in a separate file which will be kept confidential except as required to coordinate the employee’s leave.

D. Restoration of Employment:

1. Employees returning from a FMLA leave are generally entitled to be restored to their previous position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee will not be reinstated if he/she otherwise would not have been

employed at the time reinstatement is requested. The City is not obligated to reinstate any employee whose job position is eliminated while on leave.

2. Employees designated by the City as “Key” employees may be denied restoration if necessary to avoid substantial grievous economic injury to the City’s operations, in accordance with the express provisions of the FMLA. These key employees are among the ten percent most highly compensated salaried employees and will be notified of their status as key employees at the time they make their leave request. If it is anticipated that it may be necessary to deny restoration to a key employee, the City will notify that employee and offer him or her an opportunity to return to work. If that employee elects not to return to work, the City will nevertheless reconsider at the end of the leave whether or not it will be possible to reinstate that employee without suffering substantial and grievous economic injury.



#### **11.4 Non-FMLA Medical Leaves of Absence**

Employees who are not eligible for FMLA leave or who have exhausted the 12-weeks of FMLA leave in the 12-month period may be granted an unpaid medical leave of absence if temporarily disabled due to illness or injury. The City cannot reasonably accommodate requests for indefinite medical leaves of absence, however, proper documentation by a physician will be required at various junctures throughout the medical leave of absence. Documentation must include the date on which the disability began, the reason the employee is not able to perform his or her duties, and the estimated date the employee will return to work. An employee requesting an unpaid leave of absence should make the request to the City's Director of Human Resources.

For pregnant employees who are non-FMLA eligible, the City will grant up to six to eight (6–8) weeks unpaid leave for the birth of a child. Employees will be required to use any available paid time off.

## **11.5 Military Leave**

It is the City's intention to comply with all applicable State and Federal laws regarding military leaves of absence and re-employment after a leave of absence for military duty. Regardless of length of service, a military leave of absence is granted to an employee to enter the Armed Forces of the United States or to fulfill National Guard requirements as prescribed by law.

Employees requiring time away from work for military duty must inform the City as far in advance as possible and must also work with the City to ensure compliance with State and Federal laws.

In most circumstances, City employees are entitled to up to 15 days of paid leave per calendar year for military duty. Special circumstances may extend the availability of paid leave, but additional unpaid leave time for required military service is also available. Employees should discuss their particular needs with the City in advance whenever possible.

## 11.6 Holidays

As additional compensation, each full-time non-bargaining unit employee shall be entitled to twelve (12) paid holidays. The list of holidays are as follows:

- New Year's Day
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day
- Flag Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Columbus Day

Full-time non-bargaining unit employees may substitute Martin Luther King Day as a holiday in exchange for either Presidents' Day or the day after Thanksgiving, with two weeks' notice and approval by the Department Head.

### **11.7 Jury Duty and Election Day**

When an employee is called to jury duty, he or she will be granted the necessary time off without loss of pay. The employee will receive full pay less any compensation received for jury duty, except that which is received as reimbursement for parking and transportation. The employee must provide proof of jury duty summon and documentation of proof of attendance.

When the polls are not open at least two (2) hours before or after the employee's scheduled hours of work on election day, he or she will be given paid time off to vote without loss of pay. The employee must present the voter stub verifying that day's vote.

## **11.8 Bereavement Leave**

Any employee who wishes to take off due to the death of a family member should notify his or her supervisor or director immediately. Paid bereavement time will be granted in accordance with the current American Federation of State, County, and Municipal Employees (AFSCME) Collective Bargaining Agreements.

An employee may, with their supervisor or director's approval, use any available time off in addition to eligible bereavement pay. Employees will be required to provide documented proof of the death for which they are claiming bereavement leave and should work with management to determine which days constitute bereavement days.

## **12.0 Workplace Safety**

### **12.1 Policy Statement**

The City of Altoona is thoroughly committed to a safe work environment for all of its employees. This type of safety in the workplace requires the care and caution of all.

All employees are expected to heed safety rules and to exercise caution in all work activities. The use of the appropriate safety equipment, proper lifting and merely watching out for others are only a few ways by which an employee can help to ensure a safe workplace. In addition, equipment shall only be operated by authorized and properly trained individuals. These and all other safety procedures are considered to be part of an employee's duties and responsibilities.

All City employees traveling on City business, drivers of City vehicles, and their passengers, are required to wear their safety (seat) belts in accordance with the laws of the Commonwealth of Pennsylvania. Additionally, they must obey all traffic laws, regulations, signs and signals.

Smoking of or possession of any lit tobacco product in the workplace and in public places owned or operated by the City of Altoona is illegal and prohibited. Use of tobacco products is permitted only in areas designated by the City, which are at a reasonable distance from workplaces and public places.

All employees are expected to perform their work in a safe manner, to obey all safety rules and regulations, and to immediately report any unsafe conditions to the appropriate supervisor. Failing to follow the appropriate safety guidelines may result in disciplinary action.

## **12.2 Workers' Compensation**

Employees are covered by Workers' Compensation against loss of earnings due to injuries obtained on the job. Any employee who sustains a work-related injury, illness or exposure to harmful substances while on the job must immediately report the injury to his/her direct supervisor and subsequently to Human Resources, including completing the required employee injury report as soon as possible. The report must be completed by the injured employee, not the supervisor or another employee, and include the injured employee's signature and personal contact information. Employees are to work with the Human Resources Department and follow any additional guidelines as set forth in any other applicable Workers' Compensation policies.

## **13.0 Workplace Violence**

### **13.1 Workplace Violence**

A. It is the City's policy to promote a safe environment for its employees. Any violent behavior or behavior that creates a climate of violence, hostility, or intimidation will not be tolerated, regardless of origin. Proactive measures will be taken to minimize the potential for violent acts. Each and every act or threat of violence will result in an immediate and firm response that could, depending on the severity of the incident and/or other relevant considerations, result in employee discipline, up to and including discharge.

This policy includes, but is not limited to, the following behaviors and situations:

1. Violence or threatening physical contact (including fights, pushing, and physical intimidation);
2. Direct or indirect threats;
3. Threatening, abusive or harassing phone calls;
4. Possession of a weapon on City property that is not required for your job duties;
5. Destructive or sabotaging actions against the City or City employees' personal property;
6. Stalking;
7. Violation of a restraining order; and/or
8. Threatening acts or abusive language that leads to tension within the work environment.

B. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits, and shall remain off City premises pending the outcome of an investigation.

C. Any employee can report concerns or incidents to his or her immediate supervisor, other department head or any member of management. PLEASE NOTE: Threats or assaults that require immediate attention by the police should be reported first to 9-1-1 or dispatch directly.

D. The City will initiate an appropriate response. This response may include, but is not limited to, disciplinary action, suspension, termination of employment and/or criminal prosecution of the person(s) involved. At any point, the City Manager or Human Resources Director may direct and require the employee to participate in professional counseling (i.e., anger management).

E. Threats, threatening language or any other acts of aggression or violence made toward or by any City employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation.



## 13.2 Workplace Bullying

A. The purpose of this policy is to communicate to all employees that the City of Altoona will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination. Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual which is important.

B. The City of Altoona defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the City of Altoona’s Code of Conduct. The following examples are considered types of bullying for the purposes of this policy:

1. Verbal Bullying - slandering, ridiculing or maligning a person or his or her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
2. Physical Bullying - pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
3. Gesture Bullying - non-verbal threatening gestures; glances which can convey threatening messages.
4. Exclusion - socially or physically excluding or disregarding a person in work-related activities.

C. In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

1. Persistent singling out of one person;
2. Shouting, raising voice at an individual in public and/or in private;
3. Using verbal or obscene gestures;
4. Not allowing the person to speak or express him or herself (*i.e.*, ignoring or interrupting);
5. Personal insults and use of offensive nicknames;
6. Public humiliation in any form;
7. Constant criticism on matters unrelated or minimally related to the person’s job performance or description;
8. Ignoring/interrupting an individual at meetings;
9. Public reprimands;
10. Repeatedly accusing someone of errors which cannot be documented;
11. Deliberately interfering with mail and other communications;
12. Spreading rumors and gossip regarding individuals;
13. Encouraging others to disregard a supervisor’s instructions;

14. Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions);
15. Inflicting menial tasks not in keeping with the normal responsibilities of the job;
16. Taking credit for another person's ideas;
17. Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave;
18. Deliberately excluding an individual or isolating them from work-related activities (meetings, etc.); and/or
19. Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

## **14.0 Problem Resolution, Discipline and Termination**

### **14.1 Problem Resolution**

A. The City of Altoona is committed to providing a work environment in which employees feel comfortable and content. As part of this commitment, the City encourages an open and forthright atmosphere in which employee problems, complaints, suggestions or questions receive a timely and appropriate response. In addition, the City of Altoona advocates an environment where everyone associated with the City treats one another with mutual respect and consideration. However, employees are encouraged to offer others constructive, positive criticism.

B. No employee will be penalized, formally or informally, for making a complaint about a City rule of conduct, policy, or practice in a reasonable, businesslike manner. Any employee covered by a collective bargaining agreement should use the process as defined in the applicable provisions of the collective bargaining agreement to resolve problems related to that contract.

## **14.2 Discipline**

To protect the best interest of the City, the City of Altoona reserves the right to discipline employees. In this regard, the City's intention is to dispense such discipline in a fair, impartial and just manner. Disciplinary action is used to correct a problem, deter future such problems and educate the employee to ensure his or her appropriate and satisfactory future performance.

The City may use progressive discipline at its discretion. Disciplinary action may be any of the following four steps: 1) verbal warning, 2) written warning, 3) suspension with or without pay, or 4) termination of employment. When deciding which step to take, it will be determined how severe the problem is and how often it has occurred. There may be circumstances when one or more steps are bypassed. In serious situations, some types of employee conduct may justify either a suspension or termination of employment without going through the usual progressive discipline steps. Each case will be investigated and evaluated individually. Represented employees should reference their applicable Collective Bargaining Agreement.

### **14.3 Administrative Leave**

A. A non-bargaining unit employee may be placed on administrative leave, with or without notice, to permit the City to review or investigate actions, including, but not limited to dishonesty, theft or misappropriation of City funds and/or property, violence on the job, gross safety negligence or acts endangering others, insubordination or any other conduct which warrants removing the employee from the work site. The leave shall be confirmed in writing, stating the reason and the expected duration of the leave. Upon conclusion of the investigation, the employee shall be informed in writing of the actual dates and pay status of the leave.

B. The City Manager may place an employee on administrative leave without prior notice in order to review or investigate actions in breach of the above-stated guidelines.

## 14.4 Separation Types

Since employment is based on a continual mutual consent, either the employee or the City may terminate employment at any time for any reason, unless otherwise prohibited by law or public policy. The City will designate one of the following types of termination:

A. Resignation. This term is referred to when an employee resigns voluntarily with the proper notice. Non-exempt (hourly) employees are requested to give at least a two (2) week written notice to their immediate supervisor. Exempt (salaried) employees (e.g., Department Directors) are requested to give a four (4) week written notice. Resignations must be put in writing and forwarded to Human Resources.

B. Retirements. Both Non-exempt and Exempt employees are requested to provide thirty (30) days-notice of retirement. Retirements must be put in writing and forwarded to Human Resources.

C. Resignation without Notice. This term is referred to when an employee resigns without notice or with less than requested notice. Employees who fail to give adequate notice of resignation may be ineligible for rehire, depending on the circumstances of the resignation.

D. Discharge. This term refers to an employee's involuntary termination initiated by the City.

## **14.5 Exit Interviews**

Exit interviews establish a process for learning how we can improve our work environment and enhance our ability to create an excellent work place. Where practicable, employees who leave the City will have an opportunity to participate in an exit interview process with a representative from Human Resources.

## **15.0 Travel Reimbursement**

### **15.1 Travel Expense Reimbursement**

The City of Altoona reimburses employees for legitimate expenses related to the performance of the job. The reimbursement policy is intended to comply with all applicable state and federal rules and regulations concerning the payment of reimbursable expenses.

#### **A. Local Business**

1. Local attendance at organized meal-based functions is permitted in accordance with the standard procurement policy for the City, so long as a statement is included that indicates the relationship the event has with official City business or professional development.
2. With prior approval of the City Manager, employees may incur expenses for visiting dignitaries and guests, including visitors' spouses, in the conduct of City business:
  - a. Hotel rates are payable at the prevailing single-occupancy room rate
  - b. Local transportation cost may be payable with specific authorization
  - c. Meals are payable based on actual cost
3. Local business events shall be based on actual cost and may require receipts for reimbursement to the employee.
4. No hired consultant or hired firm shall receive benefits under this section.
5. City employees shall conduct themselves in a manner that is proper and representative of the City of Altoona.

#### **B. Out-of-Town Business**

1. Travel to out-of-town events for City business shall be in accordance with the following:
  - a. City vehicles shall be used for all City business, including out-of-town travel within a 300-mile radius of Altoona, and all travel within Pennsylvania.
  - b. When multiple employees are traveling to the same destination, one City vehicle shall be used.
  - c. Spouses are permitted to travel to overnight out-of-town assignments; however, the City is not responsible for the spouse's portion of the costs.



- d. The use of private vehicles is permitted for out-of-town assignments with prior approval of the Department Director for unusual circumstances.
- e. For events closer than sixty road miles (one-way), no overnight stay is permitted without approval of the Department Director or City Manager as applicable.
- f. For out-of-state events that are more than 300 miles from Altoona, rail or air travel is expected. Alternatives may be approved with cause.

C. Travel expenses shall be paid as follows:

- a. Transportation shall be arranged in accordance with standard procurement procedures using all reasonably available options. Transportation is payable at actual cost.
- b. Fuel for City vehicles is payable at actual cost.
- c. Fuel for private vehicles is payable at the most recently published federal mileage rate. This is not payable if authorization for the use of the private vehicle was not obtained.
- d. Lodging is payable at actual cost. Standard procurement shall be used to obtain lodging except when an event is held in a lodging place and the lodging place has made rooms available to attendees at a special rate.
- e. For overnight assignments, meals and incidental expenses shall be paid through a per diem allowance. Said allowance shall be in accordance with the most recently published federal rate established by the US General Services Administration for the area in which the assignment is located.
- f. For single day assignments, meals and incidentals are limited to \$25.00.
- g. The City may, at the discretion of the Department Director, pay these expenses by providing a cash advance to the employee, 2) providing a City credit card to the employee, 3) advance payment (in the case of lodging and transportation), or 4) provide reimbursement to the employee upon presentation of proofs of purchase.

## **16.0 Commercial Driver's License (CDL)**

### **16.1 Purpose**

The City complies with the requirements of employers pursuant to the state and federal laws and regulations concerning commercial driver's licenses (CDL) and commercial motor vehicle licenses (CMV) insofar as they apply to this City. To conform the employment policies of the City of Altoona with the requirements of said law and regulations, employees who are required to maintain a CDL or who operate a commercial motor vehicle for the City, are to follow the practices and procedures set forth in the State of Pennsylvania's Commercial Driver's License Manual and any approved Standard Operating Procedures (SOPs) for their department.

## **17.0 In Closing**

Many employee policies have been covered only briefly in this manual. If you have any questions or would like more information, your supervisor and/or Human Resources will assist you with questions. You may also refer to the City of Altoona's website to review an electronic copy of the Personnel Policies Manual.

**CITY OF ALTOONA PERSONNEL POLICIES MANUAL**  
**ACKNOWLEDGEMENT**

I acknowledge that I have received and/or have access to an electronic copy of the City of Altoona’s Personnel Policies Manual. I understand the Personnel Policies Manual contains important information about the City’s general employee policies and about my privileges and obligations as an employee. I further understand and acknowledge that I am expected to read, understand, familiarize myself with and comply with the policies contained within.

I also understand that the City may change, rescind or add to any of the policies, benefits or practices described in the Personnel Policies Manual, except the employment-at-will policy in its sole and absolute discretion, with or without prior notice. I understand that the City will advise employees from time to time of material changes to the policies, benefits or practices described in the Personnel Policies Manual but that it has no obligation to do so.

Furthermore, I understand, acknowledge and agree that the Personnel Policies Manual is not a contract of employment and that my employment with the City is not for a specified term and that employment with the City is at the mutual consent of the employee and the City. Therefore, I hereby acknowledge that either the City or I can terminate my employment relationship at any time, for any reason and with or without cause or notice. The only exceptions to at-will status are those instances where by statute or contract an employee is vested with a protected property interest in employment, e.g., employees covered by a collective bargaining agreement.

\_\_\_\_\_  
Employee Name (PRINT)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department

\_\_\_\_\_  
Job Title

*Signed acknowledgement form to be returned to the Human Resources Department*