

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 7, 2023 AGENDA

Subject:	Type:	Submitted By:
AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

A resolution has been prepared to approve an amendment to Section 3.9 (2) of the City of La Vista Personnel Rules & Regulations pertaining to Residency and Travel Time Requirements.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Currently, the personnel rules & regulations require the Police Chief to live within the City or the city's zoning jurisdiction. The Public Works Director is allowed to reside within twenty (20) minutes of the Public Works building.

We believe this requirement may be a limiting factor in recruiting qualified applicants for the position as we begin the search for a new Chief of Police. Removing the requirement leverages the recruitment strategy to surrounding areas which candidates may not want to uproot their families from and will provide more options for those relocating.

Staff has surveyed police chief residency requirements for nine other 1st class cities in Nebraska and found a varying range of requirements, from no residency nor travel time requirement to 30- or 60-minute response time.

Because La Vista's housing market is limited in terms of options and availability, staff is recommending removing the residency requirement for the Police Chief and modifying the travel time requirement for both the Public Works Director and Police Chief to reside within a reasonable travel time distance to the City of La Vista. The City Administrator would make the determination of distances and locations that are within the radius of the allowed travel time to provide exceptional service, taking into account all the existing facts and circumstances of the particular case.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 3.9 (2) OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL PERTAINING TO RESIDENCY AND TRAVEL TIME REQUIREMENTS.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 3.9 (2) in the manual pertaining to Residency and Travel Time be amended; and

WHEREAS, it is the desire of the City Council to amend Section 3 of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change to Subsection 3.9 (2) as submitted at the City Council meeting.

PASSED AND APPROVED THIS 7TH DAY OF NOVEMBER 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

SECTION III:	GENERAL PROVISIONS	READOPTED:	RESOLUTION NO. 05-159
ADOPTED:	RESOLUTION NO. 96-012	DATE:	DECEMBER 20, 2005
DATE:	FEBRUARY 6, 1996	AMENDED:	RESOLUTION NO. 21-055
AMENDED:	RESOLUTION NO. 96-051	DATE:	MAY 18, 2021
DATE:	MAY 21, 1996		
AMENDED:	RESOLUTION NO. 97-092		
DATE:	JULY 15, 1997		
AMENDED:	RESOLUTION NO. 98-092		
DATE:	MAY 19, 1998		
AMENDED:	RESOLUTION NO. 00-152		
DATE:	DECEMBER 19, 2000		
AMENDED:	RESOLUTION NO. 02-099		
DATE:	OCTOBER 1, 2002		

3.1 Organization for Personnel Administration:

- (1) **Mayor-City Council:** The Mayor and the City Council have ultimate policy-making authority for the City of La Vista in matters pertaining to personnel administration.
- (2) **The City Administrator:** The function of the City Administrator is to aid in the formulation of personnel policies, to prescribe procedures and to administer those policies and procedures with the aim of facilitating personnel administration for operating all City departments. The City Administrator is charged by the City Council to fairly administer the personnel program which shall include: recruitment, interviewing, job testing (where applicable), eligibility lists, appointments based on merit, the formulation and interpretation of personnel policies, maintenance and administration of the classification plan and pay plan, maintenance of employee records, supervision of the grievance procedures, promoting training programs and fostering good employee relations. The City Administrator shall also be responsible for administering discipline concerning City employees as provided in this Manual, and accomplishing such other personnel matters as deemed appropriate by the Mayor and City Council.

3.2 Administration of the Rules: The City Administrator is charged with the responsibility for the administration of these rules.

3.3 Departmental Regulations: These rules shall not be construed as limiting in any way the power and authority of any Department Head to make departmental rules and regulations governing the conduct and performance of employees. However, departmental rules and regulations shall not conflict with provisions of these rules. Departmental rules and regulations shall have the force and effect of rules of that department and disciplinary action may be based upon any breach of those rules and regulations. The City Administrator shall be provided copies of all departmental rules and regulations and shall have the authority to rescind any departmental rule or regulation.

3.4 Political Activities: Unless specifically prohibited from doing so by federal or state law, City employees may participate in local, state and federal political activities, provided they do so during

their non-working time and do not wear City uniforms or City clothing while participating in such activities. No City employee shall, simultaneously with such City employment hold the office of Mayor or City Council Member of the City. Any City employee elected or appointed to the office of Mayor or of City Council Member of the City shall be deemed, upon accepting and assuming such office of Mayor or City Council Member of the City, to have automatically and simultaneously resigned his or her position of employment with the City. No employee of the City shall be appointed as a member of any citizen board, commission or committee appointed by the Mayor or the City Council unless such appointment is required by ordinance or statute as a part of the composition of the board, commission or committee.

3.5 Prohibition of Discrimination:

- (1) No employee or applicant for employment with the City shall be appointed, promoted, demoted, removed, or advanced on any basis or for any reason other than qualification, merit and experience for service or lack thereof. An individual with a disability will be evaluated only on his or her ability to perform the essential functions of the position in question, with or without reasonable accommodation.
- (2) No employee shall use, or promise or attempt to use, directly or indirectly, any official authority or influence to secure or attempt to secure, for any person, an unmerited appointment or unmerited advantage in appointment to a position with the City or an unmerited increase in pay or any other unmerited advantage or benefit in employment in any such position.
- (3) No employee or appointing authority shall unlawfully discriminate against any individual in appointment, transfer, dismissal, discipline, compensation, promotion or other terms and conditions of employment because of race, color, religion, sex, national origin, age, disability, marital status or any other protected classification.

3.6 Diversity and Inclusion Statement

The City of La Vista is committed to a work environment that values diversity and inclusion. We believe that employees benefit from a diverse and inclusive work environment where they feel supported, welcomed, and valued. Employees should feel comfortable and encouraged to bring their own unique capabilities, experiences, and characteristics to their work in order to be productive, innovative, and able to achieve to their fullest potential. We will strive to proactively attract, hire, and maintain a diverse workforce that reflects our city's residents. We will continue to partner with community associations and groups so that the voices of our residents are heard and reflected in the work we do.

3.7 Unlawful Acts Prohibited:

- (1) No employee or applicant for a position shall willfully make any false statement, certificate, mark, rating, or report in regard to any application for employment, testing, certification or appointment held or made under these rules or ordinances of the City of La Vista, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or the rules and regulations made thereunder.

(2) No person seeking appointment or promotion with the City shall either directly or indirectly give, promise, render or pay any money, service or other thing of value to any person for or on account of or in connection with, his/her test, appointment, proposed or desired appointment, promotion or proposed or desired promotion.

3.8 Nepotism Policy

Familial and personal relationships between employees create circumstances in which biased conduct, conflicts of interest, breaches of confidentiality, sexual harassment, and other unacceptable situations may occur. The City of La Vista therefore restricts and places conditions upon the employment of individuals who share familial or personal relationships.

The restrictions and conditions detailed in this Nepotism Policy apply to both current City employees and applicants for City employment. The City Administrator shall have final and discretionary authority regarding the interpretation and applicability of the provisions of this policy.

(1) Definitions

(A) **“Employee”** includes any full-time regular, part-time regular, temporary, and seasonal employee of the City. “Employee” also includes an applicant for employment by the City. “Employee” does not include an employee within the Police Department if, but only to the extent that, the provisions of the Civil Service Act guarantee protected job status to the employee.

(B) A **“Familial Relationship”** exists between an employee and the employee’s spouse, parents, children, siblings, grandchildren, grandparents, aunts and uncles (siblings of a parent), nieces and nephews (children of siblings of a parent), great-grandparents, and great-grandchildren. A familial relationship also exists between the employee and the employee’s spouse’s parents, children, siblings, grandparents, and grandchildren, as well as any spouse of the employee’s parents, children, siblings, grandparents, or grandchildren. A familial relationship, as defined above, exists without regard to age or dependent status, and regardless of whether the relationship exists as a result of blood, marriage, or legal adoption.

(C) A **“Personal Relationship”** exists between employees engaged in a romantic or sexual relationship. This includes casual dating, serious dating, casual sexual involvement, and any other conduct or behavior normally associated with romantic, intimate or sexual relationships. This definition encompasses any employees engaged in such a relationship without regard to either employee’s gender or sexual orientation.

(D) A **“Condition of Conflict of Interest”** exists where a familial or personal relationship might in any way induce or encourage action that contravenes or could contravene an employee’s duty to act in the best interest, financial or otherwise, of the City of La Vista.

(E) **“Elected Official”** means an individual elected or appointed as Mayor or as a member of the City Council.

(2) Grandfather Clause

As of the date of adoption of this policy, some employees may share familial or personal relationships with elected officials or other employees. These individuals will be “grandfathered” under this policy, which means they will be permitted to continue their employment with the City as long as the employment status and position(s) of employment do not change, the relationship does not result in interpersonal conflict that interferes with job performance or the working environment, and no act of improper or unfair favoritism occurs. Any future changes to employment status and/or position(s) will be governed by the requirements and restrictions of this policy.

(3) Nepotism in Hiring

(A) Disclosure

An applicant for employment must disclose, on his or her application, all familial and personal relationships that exist between the applicant and any elected official or employee of the City. Failure to make a required disclosure will render the applicant ineligible for employment. If the non-disclosure is discovered after the applicant has been employed by the City, the non-disclosure may result in disciplinary action, up to and including termination, at the discretion of the City Administrator.

(B) Prohibited Relationships

(i) Relationships with Elected Officials

No individual who shares a familial or personal relationship with an elected official may be offered or accept employment with the City.

(ii) Relationships with Mayoral Appointees

No individual who shares a familial or personal relationship with a Mayor-appointed employee may be offered or accept employment with the City.

(iii) Relationships with Managerial and Supervisory Employees

No individual who shares a familial or personal relationship with a managerial or supervisory employee may be offered or accept a position of employment which places the individual within and under the managerial or supervisory employee's chain of command. No managerial or supervisory employee of the City shall supervise, conduct a performance review of, or in any other manner affect the advancement, compensation, hours, assignment(s), or other terms and conditions of employment of an employee with whom the managerial or supervisory employee has a familial or personal relationship.

(iv) Department Assignment

No individual who shares a familial or personal relationship with a City employee may be offered or accept employment within the same department as the employee, regardless of the employee's seniority or supervisory level.

(v) Exemption of Seasonal and Temporary Positions

This policy does not apply to seasonal and temporary positions in certain programs within the Public Works and Recreation Departments, as designated or approved by the Human Resources Director.

(C) Condition of Conflict of Interest

The employment of an individual sharing a familial or personal relationship with a City employee, even if not expressly prohibited by this policy, may present a condition of conflict of interest. No individual who shares a familial or personal relationship with an employee shall be offered employment, accept employment or be allowed to continue in employment with the City, if a condition of conflict of interest exists. In any situation in which the Human Resources Director deems that a condition of conflict of interest may exist the Human Resources Director shall advise the City Administrator, who shall make the final determinations as to whether a condition of conflict exists and any appropriate action to be taken to eliminate the conflict.

(4) Nepotism in Current Employment

(A) Required Disclosures

When seeking a different position in City employment, an employee must disclose the name and assignment of any elected official and of any other City employee with whom the employee shares a familial or personal relationship. This disclosure must be made in writing with the individual's application for the different position or, if no formal application process is involved, the disclosure must be made in writing to the hiring supervisor before the selection is made.

Whenever a new familial or personal relationship is created between two employees or an employee and an elected official, the City employee (or both City employees, if applicable) shall disclose the relationship in writing to his or her department manager within 30 working days of creation of the relationship. The Department Manager shall then consult with the Human Resources Department to determine whether a relationship is prohibited and coordinate any further action that may be appropriate.

Failure to make a required disclosure will render an employee ineligible for transfer, promotion, or re-assignment, and may result in disciplinary action, up to and including termination, at the discretion of the City Administrator.

(B) Prohibited Relationships

(i) Relationships with Elected Officials

Any employee who develops a personal relationship with an elected official must tender a written resignation within 90 days. This does not include relationships that exist prior to the election of an official to office.

(ii) Relationships with Mayor-Appointed or Council-Appointed Employees

A non-appointed employee who comes to share or who develops a personal relationship with an appointed employee, must tender a written resignation within 90 days after the date the personal relationship was created. If a resignation is not tendered within such period, the Human Resources Director, in coordination with the City Administrator and the appropriate Managing Director, will terminate employment with the non-appointed employee.

In the case both employees are appointed employees, the City Administrator will advise the Mayor and City Council of the situation. The Mayor and City Council will select the appointed employee to dismiss.

(iii) Relationships with Managerial and Supervisory Employees

An employee who comes to share a familial or personal relationship with a managerial or supervisory employee (including but not limited to a Managing Director, Department Director or Department Head) may not occupy, be offered, or accept a position of employment with the City which places the employee within the chain of command or line of supervision of the managerial or supervisory employee, or which permits either employee to supervise or be supervised by the other. No managerial or supervisory employee shall supervise, conduct a performance review of, or in any other manner affect the advancement, compensation, hours, assignment(s), or other terms and conditions of employment of a City employee with whom the managerial or supervisory staff employee has a familial or personal relationship.

(iv) Department Assignment

Incumbent employees who share a familial or personal relationship will not normally be permitted to work in the same department. Prior written authorization from the Managing Director and the City Administrator shall be required for any employees who share a familial or personal relationship to work in the same department.

(C) Condition of Conflict of Interest

The employment of individuals sharing a familial or personal relationship, even if not expressly prohibited by this policy, may present a condition of conflict of interest. No employees who share a familial or personal relationship shall be employed in any capacity which permits such a conflict to exist or which in any way may pose a detriment to the interests of the City. In any situation in which the Human Resources Director deems that a condition of conflict of interest may exist, the Human Resources Director shall advise the City Administrator, who shall make the final determination as to whether a condition of conflict exists and any appropriate action to be taken to eliminate the conflict.

(5) Resolution of Prohibited Relationships

If any of the prohibitions of this policy apply, and timely disclosure of the relationship has been made, a decision shall be made as soon as practicable after the disclosure of a relationship occurs. The resolution may include, but is not limited to:

- (A) Voluntary movement of either (or both) individuals to open and available City position(s) for which the individual(s) is/are qualified;
- (B) Mandatory (ordered) re-assignment of one of the employees to another position in another department (if available); or
- (C) Resignation or dismissal of one of the employees.

Positions to which an employee may voluntarily move or be mandatorily re-assigned are subject to availability and employee qualifications.

If mandatory re-assignment or dismissal is determined to be necessary and only one department is involved, the Managing Director will make the decision as to which employee will be reassigned or dismissed. If more than one department is involved, the decision will be made by the Managing Directors of the departments in which the employees involved are employed, in coordination with the Human Resources Director. In all cases, however, the City Administrator retains the prerogative and discretion to review the decision(s) made and to approve, disapprove, or modify any decision(s) made.

If the City determines there is no suitable course of action that would remedy a situation that is contrary to this policy and which would allow both employees to remain employed by the City, and if neither employee is willing to resign to remedy the situation, the City Administrator will make the final decision as to which employee's employment will be terminated.

Any resolution of a prohibited relationship will comply with Nebraska Revised Statute 49-1499.03.

(6) **Date of Adoption**

This policy was adopted by action of the Mayor and City Council on May 18, 2021.

3.9 **Residency and Travel Time Requirements:** Persons holding certain positions of employment with the City shall, as a condition of employment, meet residency requirements.

- (1) **Residency — Appointed Officials:** The City Administrator ~~and Police Chief~~ shall reside within the City of La Vista or the zoning jurisdiction of the City of La Vista.
- (2) **Travel Time — Appointed Officials:** The Public Works Director ~~and Police Chief~~ shall reside within ~~twenty (20) minutes travel time by motor vehicle to the public works facility, a reasonable travel time distance to the City of La Vista. - Residency within the zoning jurisdiction of the City of La Vista shall in all cases satisfy the requirements of this policy.~~ The City Administrator shall make the determination of distances and locations that are within the radius of the allowed travel time ~~to provide exceptional service~~, taking into account all then existing facts and circumstances of the particular case.
- (3) **New Hires & Transfers:** The City Administrator may establish a period of time up to a maximum of 24 months from the date of hire/transfer/promotion for an employee to comply with the residency and travel time requirements as provided herein.

3.10 **Outside Employment:** Employees of the City of La Vista may obtain outside employment if the outside employment does not conflict with the employee's normal working hours for the City, the employee's efficiency in his/her City work performance is not affected, and there is no conflict with the interest of the City. The employee shall advise his/her City department head of the nature of the outside employment, hours involved, and any other appropriate information requested. In any situation in which an extra City duty or extra City work hours are necessitated by an employee's position with the City, City work will take priority over the employee's outside employment.

The following activities, although not all-inclusive, are considered to be in conflict or incompatible with City employment:

- (1) Any employment, enterprise or activity which involves the use for private gain of the City's time, facilities, equipment or supplies, or the prestige or influence of a City office or equipment. This provision shall not apply to police-related off-duty employment of uniformed police officers in accordance with established policy.
- (2) Any activity which involves receipt or acceptance by an employee of any money or other consideration from anyone other than the City for the performance of an act or service which the employee is required or expected to render in the regular course of his/her City employment or his/her duty as a City employee.
- (3) Any outside activity which involves performance of a task or activity which may later be subject to the control, inspection, review or enforcement by the employee or the City department by which he/she is employed.

- (4) Any outside activity consisting of a business partnership between employees in the same City department.
- (5) Any activity which involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his/her duties as a City employee.

The City Administrator shall make the final determination as to whether a specific activity is prohibited.

3.11 Appearance and Conduct: Employees of the City of La Vista shall:

- (1) Maintain a clean, well-groomed appearance in keeping with their positions and conducive to good public relations. Department heads shall develop, for their respective departments, requirements related to dress, personal appearance and hygiene.
- (2) Treat their supervisors with appropriate respect for the positions they hold and carry out all lawful directives and instructions to the best of their abilities without delay or argument.
- (3) Serve the public in a courteous, impartial, business-like manner and conduct themselves respectfully during work hours and in the performance of their duties. Rudeness or courtesy toward members of the public is prohibited.
- (4) Be ethical, impartial, just and honorable in all their relations with each other. Employees shall not make false reports or gossip to the discredit or injury of another City employee or concerning City matters. Employees shall not act in a manner calculated to create any disturbance or dissension within City departments, including fighting.
- (5) Not consume, be under the influence of, or have in their possession while on duty, any alcoholic beverage or controlled substance (excluding prescription medicines being taken as directed by a physician).
- (6) Not harass, threaten or seek to intimidate or bully fellow employees or members of the public. The City will not tolerate any behavior toward fellow employees or members of the public that threatens physical or bodily harm or injury, harmful or offensive bodily contact or damage to public or private property. (This will not be interpreted to prohibit the use of or threat to use lawful and appropriate force in appropriate circumstances by members of the La Vista Police Department as may be allowed by Police Department rules and policies.)
- (7)
 - (A) Not at any time, while on City property or within City buildings or facilities, possess any firearm or other weapon on their persons (or in any package, container or vehicle that is in their possession or custody or under their control).
 - (B) Not at any time while on duty for the City, at any location, possess any firearm or other weapon on their persons (or in any package, container or vehicle that is in their possession or custody or under their control).

- (C) As used in the two preceding subparagraphs, “weapon” shall include but not be limited to any knife with a blade longer than three inches that is not the property of the City.
- (D) This prohibition on possession of weapons shall not apply to (a) City police officer to the extent he or she is required or ordered to carry firearms or other weapons as part of the duties and responsibilities of his or her employment by the City, or (b) City employee to the extent he or she is granted permission by his or her Department Head to possess a specific item while on duty. Example: The Department Head may grant a maintenance worker permission to carry in plain view a sheath knife having a blade longer than 3 inches in length for use in performing the maintenance worker’s job duties, or (c) Qualified active and retired law enforcement when they meet all requirement of the Federal H.R. 218 “Law Enforcement Officer Safety Act”.

Violation of any of the rules set forth in this Manual with respect to employee conduct or behavior may result in disciplinary action up to and including termination of employment.

- 3.12 **Attendance:** Employees shall be in attendance at their assigned places of work in accordance with the policies or their particular assignments regarding hours of work, holidays and leave. If an employee, for some unavoidable reason, cannot report for work, he/she shall notify his/her supervisor or department head as soon as possible. Except in unavoidable circumstances, such notice is required prior to the time the employee is scheduled to commence work, and absences from work are to be reported via an employee’s time off request submission in the timekeeping system. Noncompliance with these policies may result in disciplinary action.
- 3.13 **Hours of Work:** The normal work week is five (5) days of work, eight (8) hours per day for all employees except those of the Police Department. The FOP contract references the procedure by which the City establishes the normal work week for the Police Department. Each department shall establish and post work schedules for its employees in accordance with the needs of the department. Employees are subject to call out (i.e., being called in to work while off duty) as circumstances warrant. An employee’s failure to report when so called out may result in disciplinary action. Each department head shall advise the City Administrator of the department’s work schedule.
- 3.14 **Repair and Use of City Property:** Any employee of the City of La Vista found to be responsible for damage to or loss of City property through negligence or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damages or loss. No City equipment, materials or supplies shall be removed from the City’s possession without the approval of the supervisor, department head or City Administrator.
- 3.15 **Use of City-Owned Vehicles:** Department heads and other employees as designated by the City Administrator shall be allowed to use city owned vehicles as transportation to their homes from their places of work in addition to use during normal duty hours. As an essential job function, employees may also be required to operate/drive city-owned motor vehicles during normal duty hours. Such vehicles shall not be used for other than official city business. They shall be kept clean and driven in a manner so as to conform with existing traffic regulations and not bring discredit upon the city.

Operators of city owned vehicles must possess a valid, current operators' license in accordance with state laws. The City may establish procedures to routinely inspect such licenses. Operators are expected to drive safely and observe all traffic laws. Seat belts must be worn by employees at all times while driving a City vehicle, while a passenger in a City vehicle, or while conducting City business utilizing a vehicle. Employees who receive a traffic ticket while conducting City business will be responsible for paying any associated fine and may be subject to disciplinary action.

Employees who have an accident with a city-owned vehicle shall first notify a law enforcement agency and then their supervisor or department head. This shall be done regardless of how minor the accident may be.

The City Administrator or his/her designee will review the ability of an employee to operate a city-owned motor vehicle if an employee has been involved in two or more traffic accidents and/or has received two or more moving violations while operating a city-owned vehicle within a twelve month time frame. The review may result in disciplinary action which may include but is not limited to driver's safety training, suspension from use of city-owned vehicles, suspension from work or demotion.

If driving a City vehicle is part of an employee's job duties for the City, the employee may be subject to disciplinary or other job action – such as termination of employment or transfer to a vacant position (with any applicable pay reduction) – if the City's insurer advises the City that the City will no longer have insurance coverage for accidents involving a vehicle operated by the employee.

3.16 **Safety:** Department heads shall ensure that safety rules and regulations are posted properly and that all employees of the department are trained to work safely. Designated City personnel shall periodically conduct safety inspections of work sites to detect hazardous areas or practices for correction as appropriate. A record of such inspections and results thereof shall be maintained by the department head.

Employees are expected to know and observe prudent safety precautions at all times, to wear required Personal Protective Equipment, to observe all posted safety rules and regulations and to keep the work place neat and clean.

(1) **Safety Committee(s):** In accordance with Sections 48-443 through 48-445 of the Nebraska Revised Statutes, the City has established one or more Safety Committees consisting of management and non-management personnel. The duties of the committee(s) shall be in accordance with the cited Nebraska statutes and the rules and regulations promulgated thereunder by the Nebraska Department of Labor (Title 230, Chapter 6, of the Nebraska Administrative Code).

3.17 **Reporting Accidents and Injuries:** Employees shall report all accidents and injuries to their supervisors or department heads as soon as possible after the accident. Injuries of a minor first-aid nature may be treated at the work site or department office, but must be reported. Rescue squad services shall be used to transport employees to a hospital if the accident or injury results in the incapacitation of the employee. Within twenty-four (24) hours of any accident or incident the City employee or his/her supervisor shall file an accident-injury report with the City Clerk and Human

Resources Department. As stated in 3.14, employees involved in an accident with a city-owned vehicle must notify a law enforcement agency and their supervisor or department head, regardless of how minor an accident may be.

3.18 **Selling and Peddling:** No peddling, solicitation or sales for charitable purposes or other reason shall be allowed among or by City employees during working hours unless approved by the City Administrator.

3.19 **Conflict of Interest:** No employee shall engage in any activity or enterprise which conflicts with his/her duties as a City employee or with the duties, functions and responsibilities of the department in which he/she is employed or volunteers.

No employee of the City shall have any financial interest in the profits of any contract, service or other work performed by or for the City; nor personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company; nor personally or as an agent provide any surety, bail or bond required by law or subject to the approval of the City Council. No officer or employee shall accept any free or preferred service, benefit, or concession from any person or company, other than a service, benefit or concession offered to members of the public-at-large. Violation of any of these provisions may result in disciplinary action.

3.20 **Maintenance of Records:** The City Administrator shall be responsible for maintaining records concerning each employee, to include pertinent personnel data such as name, address, telephone number, title of position held, the department to which assigned, current pay rate and changes in employment status and performance evaluations. Records shall also include information relative to completion of training schools, professional and technical courses, accomplishment of work, conformance to expected standards, awards and such other information as shall be deemed appropriate. Each employee shall be advised as to the content of his/her record upon request.

Personnel records shall be treated as confidential information not to be released without signed authorization of the employee except as required by law. However, internal release and use of personnel records by authorized offices and officers of the City is permitted.

3.21 **Reporting Changes in Name, Address and Dependents:** Employees shall report to their department head in writing any change of name and any change of dependents. Also, to be reported for tax and insurance purposes are any changes in address, telephone number or information which will have an impact on the personnel record of the employee. Department heads shall, in turn, notify the Human Resources Department of such changes.

3.22 **Promotion:** Insofar as determined by the City Administrator to be consistent with the City's interest, higher positions in a given department will be filled by promotions from among the lower ranks of employees within the same department. The factors in determining promotions will include, but not be limited to: competitive promotional examination where applicable, efficiency of service, education, experience and commitment to the City. This practice is observed so that both employees and the public will regard City service as a career; efficiency and ability will be recognized and turnover of personnel will be minimized.

3.23 **Transfer:** City employees shall have the privilege of requesting a transfer to another department whenever there is an existing vacancy for which they are qualified. The City Administrator will determine which employees are qualified for the vacancy and ascertain whether they are available for temporary or permanent transfer by consulting with the department head and receiving his/her recommendation based on the needs of the department. In all cases, needs of the department and of the City will prevail.

3.24 **Equal Employment Opportunity:** The City of La Vista is an equal opportunity employer. Unlawful discrimination on the basis of race, color, sex, national origin, religion, political affiliation, age, genetic information, marital status, sexual orientation, or gender identity with respect to terms and conditions of employment, including but not limited to recruitment, selection, hiring, promotion, demotion, lay off, recall, transfer and dismissal is prohibited. Discrimination on the basis of disability is also prohibited, except where the applicant or employee is unable to perform the essential functions of the position with or without reasonable accommodation, where a requested or necessary accommodation would impose an undue hardship on the City's operations or where a direct threat to health or safety would otherwise be presented.

3.25 **Employee Suggestions:** Employee and volunteer suggestions for improvement of City services are encouraged. The City Administrator and department heads shall take action to encourage and facilitate employee and volunteer suggestions. Suggestions submitted at the department level will be forwarded to the City Administrator by the department head. All signed, written suggestions shall receive a reply.

3.26 **Harassment Prohibited:**

- (1) The following policy is written primarily in terms of "sexual harassment." However, harassment of employees on the basis of or because of race, color, religion, age (age 40 or older), national origin, disability, genetic information, marital status, sexual orientation or gender identity is similarly unlawful and prohibited by the City. The following policy and procedures will be deemed to prohibit and apply to all such forms and bases of harassment.
- (2) Sexual harassment in the workplace is unlawful and will not be tolerated by the City. Sexual harassment can fall into one or both of two categories: "quid pro quo" harassment (one thing in exchange of another) and "hostile environment" harassment.

"Quid pro quo" sexual harassment typically involves a supervisor using his or her supervisory authority to obtain sexual favors from an employee in exchange for the granting of favorable on-the-job treatment. "Hostile environment" sexual harassment most often arises when an employee is subjected to an intimidating, hostile or offensive work environment because of offensive sexually-based or sexually-oriented physical or verbal conduct. It is important to understand that "hostile environment" harassment includes harassment "because of" sex or gender, even if the harassing behavior itself is not in any way related to sex or sexuality. Similarly, harassing behavior toward a member of one race "because of" that person's race is prohibited, even if the "content" of the harassing behavior itself is not in any way related to race.

- (3) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are considered sexual harassment (a) when submission to such conduct is made a

condition of an individual's employment; (b) when an individual's submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or (c) when such conduct has the purpose and/or the effect of unreasonably interfering with an individual's work performance through the creation of an intimidating, hostile or offensive working environment.

Anything that a reasonable person may perceive to be sexually (or racially, etc.) offensive may be unlawful harassment. Examples include (but are not limited to): offensive or vulgar jokes or language; inappropriate physical contact; comments, questions or innuendoes of a sexual nature; and the display of "pin-ups" or sexually-oriented pictures.

- (4) Employees who believe themselves to be victims of sexual or other unlawful harassment or who are aware of such harassment should immediately report such incidents to a supervisor or the Human Resources Director. An employee victim of harassment may discuss the offensive conduct with the offender(s) before reporting it to management, but is not required to do so. Further, the employee victim may make a complaint directly to the City Administrator or Mayor, if necessary to permit the employee to avoid having to discuss the matter with the offender(s).

The City will promptly and thoroughly investigate complaints or reports of sexual (or other) harassment. When warranted by the investigation, the City will take immediate and appropriate corrective action. Such action may include disciplinary action against the offender(s), which may range up to and include dismissal from employment, depending upon the severity of the conduct as assessed by the City. To the extent lawful and realistically feasible, the City will endeavor to handle harassment complaints in a manner that is as discreet and confidential as the circumstances allow; however, because of the nature of such situations, absolute confidentiality cannot be guaranteed.

- (5) No retaliation will be permitted against an employee who in good faith registers a complaint or reports a sexual (or other prohibited) harassment incident, or against any employee who in good faith provides testimony as a witness or who otherwise provides assistance to any complaining or reporting employee, or who in good faith provides assistance to the City in connection with the investigation of any complaint or report of harassment.
- (6) After the City has taken appropriate corrective action to resolve a complaint or report of harassment, the City may make follow-up inquiries after an appropriate interval to ensure that the harassment has not resumed and retaliation has not been suffered. However, victims and witnesses are not required to wait for follow-up. If harassment resumes or retaliation occurs, the victim or witness is encouraged to contact his/her supervisor, or the City Administrator, or any other appropriate City representative or official immediately, that the City might promptly and effectively act.