

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.01 – EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

GENERAL POLICY

It is the policy of the City of Cedar Rapids not to discriminate against any applicant or employee on the basis of race, sex, color, ancestry, national origin, religion, age, physical disability, sexual orientation, gender identity, or genetic information. It further is the policy of the City of Cedar Rapids that all applicants and employees will receive fair treatment in all aspects of personnel administration and will be treated with the proper regard to their privacy and constitutional rights as citizens.

SPECIFIC PROVISIONS

The City's Affirmative Action Plan can be found in Appendix A.

Appendix A – Affirmative Action Plan

CITY OF CEDAR RAPIDS, IOWA

**AFFIRMATIVE
ACTION
PLAN**

Established by Council Resolution No. 15-1-85 on January 2, 1985
Revised by Council Resolution No. 764-4-00 on April 12, 2000
Revised March 17, 2009
Revised May 9, 2011

The City of Cedar Rapids is an Equal Opportunity Employer

Effective: 07/01/94
Revised: 3/31/99
Revised: 04/12/00 (*Resolution 764-04-00*)
Revised: 03/17/09
Revised: 05/09/11

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City of Cedar Rapids Personnel Policy Manual

On January 2, 1985, the Affirmative Action Plan for the City of Cedar Rapids, Iowa, was adopted by Resolution No.15-1-85 by the Mayor and Council. This Plan was amended April 12, 2000, per Resolution 764-4-00, and supercedes and rescinds all previous Plans.

By resolution this Affirmative Action Plan shall be made a permanent part of the City Personnel Policy Manual and shall be disseminated to all current and future employees.

AFFIRMATIVE ACTION GENERAL POLICY STATEMENT

It is the policy of the City of Cedar Rapids, Iowa, not to discriminate against nor favor any employee or applicant for employment due to their race, sex, color, creed, ancestry, national origin, religion, physical or mental disability, age, sexual orientation, gender identity or genetic information except where a bonafide occupation qualification exists.

To ensure the implementation of this policy, the City hereby adopts this Affirmative Action Plan which sets forth specific procedures covering all aspects of the employee/employer relationship and assigns responsibility for the enactment and monitoring of this Plan to the Human Resources Department.

The City shall make every effort to assure its employment policies, practices and the conduct of City employees promote equal employment opportunity. A description of this Plan shall be posted on each departmental bulletin board as a constant reminder to all employees of the City's commitment to equal opportunity in employment. Individuals who have questions concerning this Plan or feel their rights may have been violated may contact the:

Human Resources Director
Human Resources Department
City of Cedar Rapids
51 First Avenue Bridge
Cedar Rapids, Iowa 52401-1132
Telephone: (319) 286-5019

The City of Cedar Rapids believes the elements of the City's Affirmative Action Plan and good faith efforts on the part of all City employees will ensure equal employment opportunities with the City. The Mayor and City Council hereby adopt this Plan to ensure equal opportunity and compliance with applicable federal and state laws and administrative rules and regulations that relate to equal employment.

I. RESPONSIBILITY FOR IMPLEMENTATION

A. City Manager

Ultimate responsibility for the enactment of this Plan shall lie with the City Manager who divest the responsibility for the administration of the Plan to the Human Resources Director, who will fulfill the role of the Equal Opportunity Officer (as it may be known by outside agencies).

B. Human Resources Director

The Human Resources Director's responsibilities shall include, but not necessarily be limited to, the following:

1. Administration of this Plan and all other aspects of equal opportunity employment. This shall include the development of policy statements, the monitoring of the effectiveness of this Plan, and decisions regarding the general direction and coordination of the Plan.

2. Design, implementation, and monitoring of the internal auditing and reporting system designed to measure the effectiveness of this Plan and to recommend any areas of improvement and/or change in the employment process.
3. Act as a liaison between City government, governmental regulatory agencies, minority and women's groups, and other community groups or agencies that represent the interests of those persons in protected classes as defined by law.
4. Accept, investigate, and make recommendation to the department directors or heads and City Manager as appropriate when allegations of unfair or inequitable treatment are received, whether only perceived but not validated and especially when validated to positively rectify the situation.
5. Administer, coordinate, and monitor the efforts of the City to comply with federal or state laws, which may be promulgated regarding equal opportunity employment, Title VII, or other areas of civil rights legislation.
6. Provide advice and/or assistance to department directors or other management personnel regarding this Plan or the tenet upon which it is based.
7. To accept or process complaints of discrimination filed with external regulatory or administrative agencies.
8. Hold discussions with City officials or management personnel to keep them informed of current changes in EEO law that may affect this Plan.
9. Review the applications of those persons in protected classes when a job opening occurs within the City to ensure that those persons are given full opportunity for selection, transfer, or promotion.

C. Human Resources Staff

Should understand this Plan to take the following actions, in consultation with the Human Resources Director, to ensure:

1. Proper maintenance of all central personnel records in a manner consistent with applicable employment practices, laws, and regulations, which is required by this Plan and other City Policy.
2. Develop and maintain all personnel directives in a manner consistent with the Plan and current EEO laws and prudent Human Resource management practices.
3. Periodically review the City's classification system, benefit package, leave policy, applicant selection process, and other employment processes to ensure that all personnel actions conform with current legal and regulatory human resource management and employment requirements, as well as this Plan.

II. EXECUTION OF THE PLAN

In order to ensure the elimination of discriminatory employment barriers and to achieve full utilization of those persons who are identified as protected class members, the following employment procedures shall be monitored by the Human Resources Director:

A. Recruitment

1. The Human Resources Director shall ensure monitoring and analysis of the City of Cedar Rapids and the Civil Service Commission recruitment process is adequate through the maintenance of applicant flow data collection. The Human Resources Director shall also recommend, where appropriate, the contact of recruitment sources providing the widest range of applicants to meet City job requirements.

B. Selection Standards and Procedures

1. The Human Resources Director shall ensure review of the steps in the selection process to assure selection is based upon job-related criteria and provide assistance in the development of such criteria upon request.

C. Utilization Analysis

To determine whether those persons in protected classes are being properly utilized within the City's workforce, a utilization analysis shall be performed by the Human Resources Department, Human Resources Specialist, which shall include the following steps:

1. Workforce Analysis
2. Identification of Job Groups
3. Availability Analysis
4. Under-utilization Analysis
5. Goals and Timetables as Appropriate

D. Upward Mobility Systems

1. Review job assignments, job progression, promotion, transfer, seniority, and training at all levels of employment where under-utilization exists.

E. Wage and Salary Structure

1. Carefully review and monitor wage and salary scales to ensure non-discrimination in compensation, benefits and other conditions of employment.

F. Lay-off, Recall, Discharge, and Discipline

1. To assure that the standards for all similarly situated employees who are recalled, separated, demoted or disciplined are consistently applied.

G. Internal and External Dissemination of this Plan

1. This Plan shall be included as Appendix A to the Personnel Policy Manual. Each employee shall receive a copy of the Plan at the time of the inception of employment.
2. This Plan shall be presented and discussed as part of any employee orientation or preparatory training program.
3. Copies of this Plan shall be disseminated to external recruitment sources, contractors and vendors. and those public interest groups who request it.

III. INFORMAL INQUIRY PROCESS

Any employee or applicant for City employment who believes that she/he has been subjected to unfair or unequal treatment in the hire, promotion, transfer, demotion, discipline, or separation for reasons relating to their sex, race, color, creed, age, ancestry, national origin, physical or mental handicap, or sexual orientation may contact the Human Resources Director Equal Opportunity Officer, Human Resources Department to file a complaint to ask for an inquiry regarding the alleged inequitable employment action. The Human Resources Director shall ensure allegations are properly investigated and make recommendation to the appropriate commissioner and department director regarding any actions that may be necessary to resolve the validated inquiry complaint.

No employee or applicant shall have any adverse action taken against them by the City of Cedar Rapids or any of its employees because she/he filed an inquiry with the EEO Officer or Human Resources Department.

IV. EXTERNAL RELATIONS – UNIONS AND EMPLOYMENT AGENCIES

Nothing in this Plan should be interpreted as invalidating any lawful provision of any contract existing between the City and any Union or other duly established bargaining agency of employees. Conversely, the City will not be a party to a collective bargaining agreement or any provision thereof which violates equal employment opportunity laws and regulations to which the City is subject. The appropriate officials of all unions and other bargaining agents in which the City has contracts will be provided copies of this Affirmative Action Plan and will be advised of responsibilities of all employees including union members under it.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.02 – AMERICANS WITH DISABILITIES (ADA)

GENERAL POLICY

The City of Cedar Rapids is an Equal Opportunity Employer and will not discriminate on the basis of disability. The City of Cedar Rapids will follow the Americans with Disabilities Act of 1990, and the amended act of 2008 which prohibits discrimination in employment, public accommodations and all other services and programs.

SPECIFIC PROVISIONS

Employees should notify the City of needed accommodations by contacting their supervisors.

Supervisors will consult with the Human Resources Department and their department management to discuss options. If the accommodation requested is not feasible, the supervisor will suggest other options to the employee, if possible. If the options suggested by management are not acceptable to the employee, he or she will be asked to suggest other accommodations for review.

Additional information is contained in the Employment Action Plan in Appendix A.

APPENDIX A - ADA EMPLOYMENT ACTION PLAN

EMPLOYMENT ACTION PLAN

**AMERICANS WITH DISABILITIES ACT
(ADA)**

City of Cedar Rapids

DEFINITIONS

DISABILITY shall be defined as:

- A physical or mental impairment that substantially limits one or more of an individual's major life activities; a record of such impairment; or being regarded as having an impairment.
- Major life activities include, but are not limited to, caring for oneself, learning, working, performing manual tasks, walking, seeing, hearing, speaking, breathing, and participating in community activities.

REASONABLE ACCOMMODATION shall be defined as but not limited to:

- Making existing facilities readily accessible to and usable by individuals with disabilities.
- Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies.

UNDUE HARDSHIPS shall include but not limited to:

- Nature and net cost of the accommodations needed.
- Overall financial resources of the facility or facilities involved in providing reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources.
- Type of operation and impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

ESSENTIAL JOB FUNCTIONS shall be defined as:

- Functions that the individual who holds, the position must be able to perform unaided or with assistance of reasonable accommodation. This includes fundamental job duties, knowledge, skills, and abilities.

POLICY DISSEMINATION

Every effort will be made to make sure that applicants, employees and the general public are aware of the City's compliance and commitment to ADA. The following steps will be taken:

- The Policy Statement will become a part of the City's rules and regulations manual.
- The Policy will be disseminated to all appropriate community organizations.
- All applicants and employees will be made aware of the Complaint Procedure.

EMPLOYMENT PROCEDURES

Employment and selection procedures will be reviewed periodically to make sure that individuals with disabilities are not the subjects of discrimination. The following steps will be taken for positions not covered by Civil Service:

- State in all employment advertising that assistance with applications will be provided upon request.

- Review job descriptions and the essential job functions to make sure discriminatory criteria are not used.
- Review job requirements to eliminate unnecessary qualifications.
- Monitor all testing tools and criteria to make sure they are job-related.
- Emphasize training for department heads and supervisors on proper interviewing procedures.
- Document and monitor all requests for reasonable accommodation.
- Conduct medical examinations only after a conditional offer of employment has been made.
- Drug screening shall be required of all prospective new hires after a conditional offer of employment.
- Health screening shall be required of all new hires in positions with a physical rating other than sedentary after contingent offer.
- Health screening and medical examinations may be required for all other changes in employment status.

MEDICAL EXAMINATIONS

- When medical examinations are required, they shall be required of all individuals in that job classification and shall be conducted after a conditional offer of employment.
- Medical examinations may be required of employees who request accommodation.
- All medical documentation will remain confidential.

REASONABLE ACCOMMODATIONS

The City of Cedar Rapids will attempt to accommodate as long as the accommodation does not create an undue hardship on the employer. The following areas will be included:

- Accommodations that will enable employees with disabilities to perform essential job functions of position held or sought.
- Accommodations that enable employees with disabilities to enjoy equal benefits and privileges of employment as enjoyed by those without disabilities.
- Individuals seeking accommodations must make their request to their department head who will consult with the Human Resources office and Department of Safety and Health Services Manager and Occupational Health Nurse as appropriate.

EMPLOYMENT PROGRAMS AND SERVICES

- It is the goal of the City to make sure that the application process is accessible to all prospective applicants.
- Employment programs and services will be audited periodically to ensure accessibility.
- A Transition Plan will be developed if long-term goals are necessary.
- When necessary, notices will be sent to organizations advocating for the disabled to make them aware of programs and services.

EMPLOYMENT COMPLAINT PROCEDURE

- The Human Resources Director (EEO Officer) will investigate the complaint and attempt resolution at department level.
- If the complaint remains unresolved, the Human Resources Director should make recommendations to the City Manager for resolution.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.03 – NEPOTISM

GENERAL POLICY

The City will avoid the possibility of or the appearance of favoritism being given to a relative on the basis of a family relationship.

SPECIFIC PROVISIONS

1. “It shall hereafter be unlawful for any person elected or appointed to any public office or position under the laws of the state or by virtue of the ordinance of any city in the state, to appoint as deputy, clerk, or helper in said office or position to be paid from the public funds, any person related by consanguinity or affinity, within the third degree, to the person elected, appointed, or making said appointment, unless such appointment shall first be approved by the officer, board, City Manager, or commission whose duty it is to approve the bond of the principal; provided this provision shall not apply in cases where such person appointed receives compensation at the rate of six hundred dollars per year or less, nor shall it apply to persons teaching in public schools, nor shall it apply to the employment of clerks of members of the general assembly.” (*CODE OF IOWA Chapter 71.1*)
2. No employee shall be supervised, either directly or indirectly, by a family member. See Policy 1.01 for definition of a family member.
3. This policy shall not apply to seasonal employees.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.04 – RECRUITMENT AND EMPLOYMENT

GENERAL POLICY

Recruitment and placement of employees will be based solely on job-related criteria, as reflected on the job description. Eligible applicants and employees will be given an equal opportunity to apply for all job openings when they occur. Staffing Requisitions require approval of the appropriate authority.

STANDARD OPERATING PROCEDURES

RECRUITMENT

1. The Human Resources Department will complete Staffing Requisitions, Requests for New Positions, Requests to Reclassify a Position, and Requests to Eliminate a Position following the established standard operating procedures. These forms may also be utilized for recruiting positions for the Library Board of Trustees, Cedar Rapids Civil Right Commission, Cedar Rapids Airport Commission, the Cedar Rapids Self-Supported Municipal Improvement District, and the Cedar Rapids Veterans Memorial Commission upon receipt of a request from those entities.
2. Posting and Advertising of Positions and Applications:
 - a. Job openings will be posted on all department bulletin boards for a minimum of five (5) working days. At City Hall postings will be kept in a binder available at the reception area and available on-line. If a position is posted within 3 months of a previous posting, the existing applicant pool may be used to fill the existing opening. If the posting occurred more than 3 months prior, the position must be re-posted.
 - b. Reclassifications of existing positions will be posted when the position is vacant at the time of reclassification or the supervisor may hold the position for a period of time at their discretion.
 1. If the reclassification affects the FTE (hours worked) it cannot be posted until council has approved the change.
 - c. Job openings may be opened to: Division employees; City employees or to the public. Job advertisements will include an application deadline. For positions that require skills that are difficult to find and are therefore hard to fill, the supervisor in conjunction with Human Resources may use their discretion in accepting late applications or designating the position as opened until filled.
 1. If a temporary employee (through a staffing agency) or intern (paid or unpaid) is in the department they may sign as an internal employee in the same way a seasonal employee may. Interns, temporary and seasonal employees have no “bid” rights or seniority.

- d. Applications are required and resumes may not be submitted in place of an application. Supervisors may evaluate candidates based on resumes but applicants cannot be hired without completing an application.
 - e. Applications may be downloaded from the city website, picked up at the Human Resources Department or at Iowa Workforce Development Center. Employment applications can be submitted electronically, by mail or dropped off at the Human Resources Department or Iowa Workforce Development Center.
3. Applications Received:
- a. Applications will be received by the Human Resources Department (with the exception of Fire and Police applications, and seasonal Parks and Recreation positions, which will be turned in to the hiring department directly). Human Resources will forward applications and resumes to the Hiring Manager. The Human Resources Department shall provide a basic prescreening for identified positions. When requested Human Resources will provide additional prescreening assistance, interviewing and pre-employment testing.
 - b. Interviews shall be conducted in accordance to the Interview Guide and individuals participating in the interview must complete Interview and Selection training prior to interviewing.
 - c. Internal applicants from non-bargaining classifications are eligible to transfer after their probationary period is complete. Employees selected for a final interview in an alternate department must inform their current supervisor prior to attending the interview.
 - d. Once an applicant is selected as the top candidate the Hiring Manager may negotiate a pay rate and start date contingent on successful completion of a pre-employment drug screen, medical evaluation and proof of eligibility to work in the United States. Non-bargaining salary offers in excess of step one require approval from Human Resources and Finance to ensure internal equity and budget alignment. See Hiring Checklist for further details on this process.
 - e. Pre-employment drug testing is required (see Policy Section 7). Pre-employment physical qualifications testing through the Safety and Wellness Division may also be required.

EMPLOYMENT

1. After completing pre-employment testing with the Safety and Wellness Division and processing paperwork through the Human Resources Department, results will be reported to Human Resources as eligible or ineligible for hire. If eligible for hire Human Resources will complete a Personnel Action Form (PAF) to hire the candidate and enter them into PeopleSoft, generating an employee identification number.
2. Department Directors shall be appointed by the City Manager. The appointment shall be “at will” for an indefinite term subject to Section 5.24 of the Municipal Code of the City of Cedar Rapids.

3. Probationary Period (Non-bargaining)
 - a. All New Hires are subject to a Probationary Period of six (6) months, (except as may be provided for by applicable Civil Service law). Longer Probationary Periods may be designated upon hire and probationary periods may be extended at the supervisor's discretion. At any time during the Probationary Period, a Department Director may terminate an employee. In such case, the Department Director will notify the employee and the Human Resources Director of the action and Human Resources will document the action by completing a Personnel Action Form.
 - b. New Hires separated during the Probationary Period shall not have recourse to appeal.
 - c. Transfers into another department are not allowed during the probationary period. Promotion or transfer within the same department is allowed within the probationary period.
4. Trial Period (Non-bargaining)
 - a. All Promotions or Transfers will be subject to a Trial Period of six (6) months. Longer Trial Periods may be designated or may be extended at any time during the Trial Period at the Supervisor's discretion. The Personnel Action Form will be used to document the action.
 - b. Upon Termination or Demotion, a Regular Full-time employee will have the right to appeal such action in accordance with the complaint procedure (see Policy 2.10 – Complaint Procedure).
5. Re-employment

If an individual is re-employed into a non-bargaining position within one (1) year from the effective date of separation, the following will apply:

 - a. Upon re-employment, the City may grant such employee credit for time previously worked.
 - b. The employee's City, department, and longevity dates at the time of separation shall be adjusted to reflect the period of absence.
6. Internships
 - a. There are two types of internships, paid and unpaid. For paid internships, a job description is required. Unpaid internships do not require a job description. It is important that interns have a positive experience and are able to gain experience and knowledge that will help them improve their professional skills.
 - b. Internships may be for any duration that meets the needs of the department, student and sponsoring institution. Paid internships are typically for a semester or summer (approximately 3 months).
 - c. Paid internships are requested and approved through the normal staffing requisition process. Departments and HR will collaborate to determine recruiting processes and sources. See internship guide for assistance.
 - d. Internships are meant for active students.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.05 – HOURS OF WORK/FLEX-TIME/TELECOMMUTE

GENERAL POLICY

The department heads will establish regular working hours based on the needs of the service, and considering the reasonable needs of the public who do business with the department. Nothing in this policy shall be construed as a guarantee of hours of work per day, per week, per month or per year.

Flexible working schedules (flex-time) or telecommuting may be adopted within individual departments.

SPECIFIC PROVISIONS

1. Work Schedules

- a. The normal work week will consist of 40 hours.
- b. The department head will determine if flexible working schedules within the 40-hour work week could be productively implemented within the department. The department head will consider staffing levels necessary to accomplish departmental mission, service requirements to the public, interdependence between employees within the department and with external entities, and such other factors as may be appropriate.
- c. Flexible working schedules will be established to meet the needs of the department and the position. Specific schedules shall be approved by the department head or designee.
- d. Nothing herein constitutes a guarantee of flexible scheduling to any employee, and the City reserves the right to alter flexible schedules without notice to meet immediate needs and/or to rescind the practice of flexible scheduling.

2. Lunch Periods/Rest Periods

- a. Lunch periods and rest periods to be observed by employees will be established as prescribed by the department head. If an employee does not observe a rest period, no claim for overtime or compensatory time may be made.
- b. A rest period is not required by law. However a rest period not exceeding 15 minutes is encouraged during each one-half shift, based on a normal 8-hour shift.
- c. An employee who is expected to work two (2) hours or more beyond the end of his/her normal shift will be allowed an unpaid rest period if the overtime assignment is a minimum of 2 hours, and an unpaid lunch period if the assignment is a minimum of 4 hours.

3. Emergency Work

- a. The City retains the right to require any and/or all employees to work additional hours when an emergency exists.

4. Telecommute

- a. Department heads have the sole discretion to approve employees to telecommute.

- b. Department heads will determine if telecommuting within the 40-hour work week would be productive for the department. The department head will consider staffing levels necessary to accomplish departmental mission, service requirements to the public, interdependence between employees within the department and with external entities, and such other factors as may be appropriate.
- c. Employees approved for telecommuting who are non-exempt from overtime requirements of the Fair Labor Standards Act will be required to record all hours worked. Failure to obtain prior approval or failure to document all hours worked will result in disciplinary action.
- d. Telecommuting is not designed to be a replacement for appropriate child or elder care.
- e. Telecommuting is not intended to be used in place of flex leave or LTII unless a medical release has been provided and telecommuting has been approved by the department head.
- f. Nothing herein constitutes a guarantee for telecommuting to any employee, and the City reserves the right to alter telecommuting policies without notice to meet immediate needs and/or to rescind the practice of telecommuting.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.06 – EXTERNAL EMPLOYMENT

GENERAL POLICY

It is the policy of the City of Cedar Rapids that employees not engage in employment outside their regular employment that would affect their performance in City employment or result in a conflict of interest.

SPECIFIC PROVISIONS

1. An employee may not conduct any phase of secondary employment during regular working hours or using any City resources (telephone, computers, paper, etc).
2. Employees must not engage in outside employment or an activity that is subject to the official control, inspection, review, audit or enforcement authority of the person as a part of his/her regular duties with the City (for example, a housing inspector owning rental property in the City).
3. Employees must obtain written approval for outside employment or business activities from their supervisors.
4. Outside employment that constitutes a conflict of interest or the appearance of a conflict of interest is prohibited.
5. Employees may not engage in outside employment while on paid medical leave without the written approval of the department head.
6. Employees may not engage in outside employment or self-employment while on light duty based on physical restrictions due to an injury or illness.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.07 – EMPLOYMENT SEPARATION

GENERAL POLICY

The City requests that employees provide notification to their department head prior to resignation or retirement from employment to ensure an orderly continuation of essential work activities. Employees are not required to give a notice nor is the City required to accept one.

SPECIFIC PROVISIONS

Voluntary termination includes:

- (1) Resignation;
 - (2) Unexcused/unauthorized absence from work for a period of three (3) working days will be considered job abandonment;
 - (3) Failure to return from an approved leave of absence without pay on the date specified;
 - (4) Failure to return to work after completion of military service as provided for in the Uniform Services Employment and Reemployment Rights Act (USERRA) and/or Iowa Code;
 - (5) An uninterrupted layoff exceeding one year.
1. Employees wishing to leave the City's service in good standing will notify their supervisor, in writing, of their desire to leave employment.
 2. Offer of a notice is appreciated but is not a guarantee of work through the proposed resignation date.
 3. Department heads will forward all notices of resignation to the Human Resources Department.
 4. Employees should report to the Human Resources Department for exit processing, benefit plan continuation or other related items.
 5. City property issued to an employee must be returned at the time the employee terminates employment.
 6. The last day an employee is actually at work is typically his/her separation date. Up to two weeks of leave may be used after the last day worked with approval of the Department Director or designee. Any benefit time payable at termination (as determined by the appropriate policy or bargaining contract) will be paid on the last check. Approval for any variation in this policy requires approval from the City Manager.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.08 – DISCIPLINE

GENERAL POLICY

Discipline will be administered equitably and consistently to maintain the orderly conduct of City business. Discipline may be in the form of an oral warning, a written reprimand, demotion, suspension, or discharge.

SPECIFIC PROVISIONS

1. Employees will conduct themselves in a manner not detrimental to the prestige and good name of the City. Disciplinary action may be taken for actions that may tend to break down the orderly conduct of the City's business.
2. Examples of prohibited on-the-job actions include but are not limited to:
 - a. Harassment.
 - b. Use of or being under the influence of illegal drugs including intoxicating liquors.
 - c. Abuse of prescription drugs.
 - d. The sale, purchase, transfer, distribution or possession of illegal drugs.
 - e. Theft.
 - f. Dishonesty.
 - g. Falsifying applications or records, or falsifying time worked.
 - h. Carelessness in handling of City equipment.
 - i. Insubordination – a direct refusal to perform assigned work or to follow an order.
 - j. Poor work performance.
 - k. Abuse of work schedules.
 - l. Improper use of sick leave or other leave.
 - m. Excessive absenteeism.
 - n. Habitual tardiness.
 - o. Unavailability for work.
 - p. Unauthorized possession of weapons or firearms.
 - q. Threats or acts of violence in the workplace including starting a fight on City property.
 - r. Disregard of safe work practices, including but not limited to, failure to practice safe lifting practices, wear Personal Protective Equipment, or mount or dismount equipment safely.
 - s. Horseplay that results in an injury to an employee or a fellow worker.
 - t. Other such acts which are not in the best order of carrying on municipal work.
3. If an employee is suspected of committing a prohibited action, he/she may be placed on a paid or unpaid Administrative leave until the City's investigation of the incident(s) is completed. If the outcome of the investigation is a written or oral reprimand, a suspension or

demotion, or no discipline, the employee will be paid for all eligible hours (less any suspension) at the appropriate rate.

4. When it is necessary to take disciplinary action, the action normally will be in the form of progressive discipline, consisting of an oral warning, a written reprimand, suspension or discharge. However, based on the seriousness of the offense, an employee may be subject to a varying penalty up to and including discharge. An employee may also be demoted for disciplinary reasons. The seriousness of the offense will determine the level of discipline administered. The employee's overall record may also be considered.
5. FLSA-exempt positions may not be suspended without pay for any period less than a full workday.
6. Records of all disciplinary actions will be forwarded to the Human Resources Department and made a part of the employee's permanent personnel file.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.09 – PROCEDURE FOR DEMOTION, SUSPENSION OR DISCHARGE

GENERAL POLICY

Any demotion, suspension or discharge action will be reviewed in detail prior to such action to ensure fair and equitable treatment. Disciplined employees may appeal such action through the complaint procedure (*see Policy 2.10*). This policy applies to non-bargaining employees. Civil Service employees who appeal actions through the Civil Service Commission may not appeal through the complaint procedure.

SPECIFIC PROVISIONS

1. Prior to a demotion, suspension, or discharge, such action will be reviewed by the Department Director, Human Resource Director and City Manager, or appropriate board or commission chairperson.
2. A pre-disciplinary hearing will be held prior to final action of a suspension or discharge for disciplinary reasons. The employee will be notified of the meeting in advance and may have representation present if desired.
3. The purpose of the hearing is to allow employees the opportunity to share facts they feel should be considered before a final decision is made. The Human Resources Director or Department Director will conduct the hearing.
4. Department heads being demoted, suspended, or discharged, shall have a pre-disciplinary hearing before the City Manager and may be terminated, and unless so terminated, will continue to serve in the position (*see Cedar Rapids Municipal Code 5.19*).

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.10 – COMPLAINT PROCEDURE

GENERAL POLICY

All regular employees have the opportunity to seek resolution of their complaints through a formal complaint procedure. Probationary employees have no right to file complaints because of discipline, removal, or discharge. Bargaining unit employees refer to the grievance process in the current labor agreement.

SPECIFIC PROVISIONS

1. A complaint is defined as a dispute or disagreement raised by a qualified employee against the City involving the interpretation or application of the specific provisions of these policies.
2. Any matters governed by the Civil Service Commission rules or statutory provisions will not be subject to this complaint procedure. Any disciplinary actions which may be appealed to the Civil Service Commission will not be considered complaints and are not subject to this complaint procedure.
3. All time limitations in this complaint procedure exclude Saturdays, Sundays and holidays and may be extended by mutual agreement of the employee and the appropriate supervisor. Days mean workdays (*Monday-Friday*).
4. The following steps shall be followed by an employee with a complaint:

Step One: An employee who has a complaint will orally present the complaint to the immediate supervisor within five days of the occurrence of the cause for the complaint or when employee should have knowledge thereof. The employee must be specific about the nature of the complaint and be clear to the supervisor that he or she is presenting a complaint for resolution. The supervisor will respond orally to the employee within three days of the oral complaint.

Step Two: The complaint will be considered resolved unless within 5 days of the receipt of the response at Step One, the employee submits a written appeal to the department head or the department head's authorized representative. The department head or designee will respond in writing within 5 days of the receipt of the written complaint.

Step Three: The complaint will be considered resolved unless within 10 days of the receipt of the response at Step 2 the employee submits a written notice to the Human Resources Director of the desire to appeal the Step 2 decision. The Human Resources Director will notify the employee's appointing authority (*City Manager or applicable Board/Commission*) of the appeal. The appointing authority shall conduct a hearing within a reasonable period of time from the date the notice of appeal is received by the Human Resources Director. The employee may attend and have a representative present for the hearing if desired. The decision of the hearing body shall be issued within a

reasonable period of time of the hearing to ensure due diligence in deliberation. Such decision shall be final.

5. If the City fails to respond at steps one or two within the time limits stated, the complaint will automatically be carried to the next step. If an employee fails to appeal to the next step, it is considered settled on the basis of the employer's last answer.
6. Complaints as the result of demotion, discharge or suspension will automatically be started at Step 3 of the complaint procedure. The complaining employee shall file with the Human Resources Director within five (5) days of the action a request for hearing which shall be before the employee's appointing authority. The complaint shall then proceed as outlined in Step 3 above.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.11 – SENIORITY

GENERAL POLICY

Seniority will be recognized and will be determined as outlined below.

SPECIFIC PROVISIONS

1. Definitions

- a. For the purpose of determining seniority rights of non-bargaining employees, seniority shall be computed as described below:
 1. City Seniority: Date of employment as a regular full or regular part-time employee in any City department.
 2. Department Seniority: Date of employment as a regular full or regular part-time employee in an employee's current department.
 3. Classification Seniority: Date of employment in a specific job classification title as a regular full or regular part-time employee in any City department. Whenever the title of a classification is changed without a significant change in duties and responsibilities, the classification seniority shall not change. In the event an employee has held more than one classification title, classification seniority shall be computed as the cumulative time spent in each classification.
- b. Where two or more employees are hired on the same day, conflicts in seniority will be resolved according to the date on the employment application. In the event of identical application dates, the lowest social security number will determine seniority.

2. Transferring Seniority

- a. City Seniority: City seniority will transfer to the new department when an employee transfers from one City department to another. Benefit accruals are based on City seniority.
- b. Department Seniority: Department seniority begins on the date a transferred employee is employed in the new department.
- c. Classification Seniority: Classification seniority begins on the date an employee transfers from one classification title to another.
- d. Bargaining to Non-bargaining: When a bargaining unit employee transfers to a non-bargaining position, City seniority will transfer to the new job. Department seniority will also transfer if the employee stays in the same department.
- e. Non-regular Employees: When a non-regular employee begins work in a regular position with the City, City and Department seniority starts on the date the employee begins the regular job. The normal probationary period must then be completed.

3. Continuity of Service/Adjustments to Seniority

- a. Seniority is based on continuous regular employment with the City from the last date of hire.
- b. Leaves of absence without pay will not interrupt continuous employment, except Civil Service employment. Civil Service seniority will be adjusted in accordance

with the Code of Iowa, which provides for adjustment after sixty (60) days. However, benefit accruals will be adjusted in accordance with benefit policies in this manual (i.e. insurance, flex leave, holidays, longevity).

- c. Continuity of service will be broken by any of the following:
 - i) Discharge
 - ii) Voluntary termination as defined in policy 2.07.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.12 – INVOLUNTARY WORKFORCE REDUCTION

GENERAL POLICY

When the public interest requires eliminating staff the City of Cedar Rapids has a formalized procedure to insure consistency and fairness. This policy applies to non-bargaining employees and bargaining employees when the applicable collective bargaining agreement is silent regarding an issue or procedure. Procedures for layoff of bargaining-unit employees are covered in their respective labor/management collective bargaining agreements.

SPECIFIC PROVISIONS

1. Involuntary Workforce Reduction Criteria: If it becomes necessary to eliminate an employee due to outsourcing/privatization, organization restructuring or decreases in classifications, the following criteria shall apply:
 - a. Persons with the least seniority in the classifications affected will be laid off first. Seniority shall be computed as provided in City Policy 2.11 Seniority.
 - b. If the employee whose position is being eliminated has more seniority than another employee in the same classification, that employee may elect to displace a less senior employee within the same classification. Employees who have held more than one classification during their career with the City may have additional bumping rights as defined in Chapter 400 of the Iowa code.
 - c. If the employee whose position is being eliminated is not qualified or chooses not to accept the position offered, the employee will be laid off and placed on the recall list for a period of three years (see paragraph 5 – Recall).
2. Notice: The City will give a minimum of ten (10) working days written notice of the effective date of reduction in force to employees in positions designated for reduction. This notice will come from the Human Resources Department.
3. Department Responsibilities:
 - a. Prepare a written workforce reduction plan, identifying the job classifications subject to reduction and detailing the business reasons why those were selected, including savings and increases in efficiency. If this is done during the fiscal year budgeting process, those related documents should be included. The Human Resources Director will provide procedural guidance on the manner and form of documenting the workforce reduction plan.
 - b. In corroboration with the Human Resources Director, prepare a written internal statement of the selection criteria with respect to the individuals affected.
 - c. Provide ongoing coordination with the Human Resources Department and other departments impacted (in cases of a City-wide job classification), and to communicate with the employees impacted.
 - d. Prepare a resolution for Council Action if the positions being eliminated are civil service as required by Chapter 400 of the Iowa Code.

4. Human Resources Responsibilities: The Human Resources Director will review all proposed workforce reduction actions. If actions are determined to be inappropriate, the Human Resources Director, with consultation of the City Attorney, will advise the City Manager to refrain from taking that specific action. The Human Resources Director will ensure that the Department Director of the position submits a written workforce reduction plan and statement of selection criteria for the above review action.
5. Recall:
 - a. The names of employees laid off will be placed on a recall list within classification, in the order of release from employment.
 - b. Recall will be in reverse order for a period of three (3) years from the effective date of layoff from employment, providing that the employee is still qualified and able to perform the job.
 - c. It is the employee's responsibility to provide written notice of any address change to the Human Resources Department. The Human Resources Department will send the recall notice (notice of available position) by first-class mail to the last known mailing address.
 - d. Failure to accept a position when offered will cause the employee to lose recall rights.
 - e. An employee notified to return to work must return within five (5) working days of receipt of the notification or will forfeit further recall rights and be subject to removal from the recall list. The Human Resources Director may extend the return to work for an additional ten (10) working days for extenuating circumstances (e.g., inability to return to the area after notification in time to come back to work, in the hospital, under doctor's care).
 - f. Employees will retain their seniority to the date of layoff effective date, but will not accrue seniority after the layoff effective date. Nor will seniority accrue for trial periods not successfully completed. Upon return to work after recall, a laid off employee's City/Department seniority and longevity dates will be adjusted accordingly.
 - g. Leave and longevity benefits will begin to accrue upon return to work from layoff. Insurance benefits, if lapsed, will become effective on the first of the month following the date of return to work from layoff.
6. Applying for City Jobs:
 - a. During the three-year recall eligibility period, laid-off employees may sign City job postings, as an active City employee.
7. Exceptions:
 - a. Certain employees are subject to exemption from civil service and therefore this policy does not apply. A list of City of Cedar Rapids positions that meet the criteria from Iowa Code Section 400.6 will be maintained by the Human Resources Department.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.13 – HARASSMENT

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide an environment free of harassment. Harassment based on protected class status is a violation of Title VII of the Civil Rights Act of 1964 and is against the policies of the City for any employee to harass another employee. Harassment is defined as behavior that creates an intimidating, hostile, or offensive working environment that is so pervasive that others' work performance is affected.

SPECIFIC PROVISIONS

1. Sexual harassment is defined as unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature.
 - a. Sexual harassment may occur when conduct becomes the basis for employment decisions affecting the employee, or
 - b. When the conduct unreasonably interferes with work performance and creates an intimidating, hostile, or offensive working environment by such conduct.
2. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature.
3. Harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:
 - Verbal Sexual innuendoes, suggestive comments, jokes of a sexual, demeaning or threatening nature, sexual propositions, and/or threats.
 - Non-verbal Threatening, demeaning, sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, and/or obscene gestures.
 - Physical Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, and/or assault.
4. Harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the work place. But whatever form it takes, verbal, non-verbal, or physical, harassment can be insulting and demeaning to the recipient or any observer and cannot be tolerated in the work place.
5. All employees, managers, and non-supervisors alike will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.
6. Appropriate disciplinary action will be taken against any employee who violates this policy against harassment. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination.

7. Harassment Complaint Procedures
 - a. Any employee or observer who believes he or she has been the subject of harassment should report the alleged act immediately to his or her department head/supervisor or the Human Resources Director or designee.
 - b. If a complaint involves a manager or supervisor, the complaint shall be filed directly with the department head or the Human Resources Director. However, if the complaint involves the department head, it should be filed with the Human Resources Director or City Manager.
 - c. All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the City to third parties or to anyone within the City who is not involved with the investigation, nor will anyone involved be permitted to discuss the subject outside the investigation. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.
 - d. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees will receive an impartial and fair hearing. Employees will be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.
 - e. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

8. Raise questions you have regarding harassment, discrimination or affirmative action with your supervisor, department leadership or the Human Resources Director.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.14 – VOLUNTARY SEPARATION INCENTIVE PROGRAM

GENERAL POLICY

A Voluntary Separation Incentive Program facilitates the implementation of restructuring and reorganization plans in City departments through the use of incentives for employees who voluntarily retire or resign. When it becomes necessary to reduce the workforce, this policy may be used to avoid or reduce the involuntary reduction, without providing reemployment rights. The Voluntary Separation Program shall not be discriminatory and must be based on a rational basis for efficiency or economic necessity.

SPECIFIC PROVISIONS

1. The City Manager may authorize the Voluntary Separation Incentive Program in department(s) where restructuring or reorganization plans are to be implemented, or to reduce the workforce.
2. Eligibility
 - a. This program applies to regular bargaining and non-bargaining employees who have been employed for at least 12 months.
 - b. Incentives may be targeted toward specific classifications (*same job title*), functions (*occupational areas*), departments, differentiated between general fund and enterprise funds, and/or may be a general incentive to employees.
 - c. The Voluntary Separation Incentive Program may be used for any type of voluntary separation, i.e. regular/early retirement or resignation. (*Disability retirement is excluded.*)
 - d. Employees will not be coerced in their decision to participate. The decision will be entirely voluntary.
 - e. Notice of a voluntary separation incentive offering will be distributed to eligible employees in advance of the application deadline in order to give employees time to research retirement benefits, etc.
3. Incentive
 - a. VSIP incentive packages will be approved on a need basis by the City Manager with approval by the City Council.
 - b. VSIP incentives may include a variety of compensation and benefit features that are designed to encourage the targeted population to voluntarily resign.
4. Application Process
 - a. After the City Manager has authorized the offering of the Voluntary Separation Incentive Program in a department(s), applications will be accepted from those employees in positions targeted for the program. Employees must complete an application available from the Human Resources Department.
 - b. Employees who apply for the Voluntary Separation Incentive Program must sign an agreement that the decision is entirely voluntary and such agreement shall also serve as the commitment to resign or retire on the date indicated by the employee. If an applicant is not selected for the Voluntary Separation Incentive Program, the

employee's commitment to resign shall be void and the employee shall not be bound by the agreement.

- c. The City is not obligated to approve all applications. Applications will be considered in the order received.
- d. The participant must agree to separate no later than the end of the applicable window period established by the City Manager unless mutually agreed to by the employee and the City. The last day of work shall be the date of separation and the final check shall include the incentive, Flex Leave, compensatory time, or other eligible payoffs.
- e. All Voluntary Separation Incentive Program applicants must be approved by the applicable department head, and reviewed by the Human Resources Director before payment is made.

5. Other Provisions

- a. An employee who accepts an incentive payment shall be considered to have voluntarily resigned and shall not be eligible for bumping, recall, or unemployment insurance benefits.
- b. Employees accepted for the Voluntary Separation Incentive Program shall receive health, dental and life insurance benefits through the end of the month in which the resignation is effective, unless the VSIP incentive offered stipulates otherwise.
- c. Payment will be made for accrued benefits on the same basis as any other voluntary separation.
- d. All cash payments are subject to required payroll deductions.
- e. VSIP incentive payments will be made from the department fund that would have been used for salary and benefits or from other funds authorized by the City Finance Director.
- f. Applicable procedures and rights granted to retirees will be followed.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.15 – SEVERANCE

GENERAL POLICY

Severance benefits may be paid when employees are involuntarily terminated because their positions are eliminated. City Council will determine whether severance benefits will be paid for positions that are eliminated in a specific fiscal year (*July 1-June 30*), and shall authorize benefits by Council resolution.

SPECIFIC PROVISIONS

1. Application

- a. This policy shall apply when a position has been eliminated under Policy 2.12.
- b. It is not the intent that the provisions of this policy be applied when an employee rejects an offer of another position within the City of Cedar Rapids, even though such position may be in another department or on another shift.
- c. Voluntary separations, including retirements, shall not be eligible for the provisions of this policy.

2. Other Provisions:

- a. Employees will continue to fulfill their job responsibilities following notification of separation. If the individual is not performing satisfactorily, the employee may be terminated without pay for the balance of the remaining time and may forfeit all other benefits provided under this policy.
- b. Employees may negotiate a release date prior to the original effective date of separation with their department director. Should the release date be sooner than the original separation date the employee will receive any unused flex leave as of the negotiated release date. The negotiated release date will become the effective date of termination
- c. The severance payment will be in one lump-sum payment and subject to all required payroll deductions.
- d. The separating employee will be paid for all eligible, accrued benefits under other policies in this Policy Manual.
- e. Medical and dental plan coverage shall be continued to the end of the month of separation. Coverage may be continued as provided for by COBRA, or Iowa Code if the employee qualifies as a “retiree.” Life insurance may be converted to an individual plan by contacting the insurance company.
- f. The State of Iowa Workforce Development office will determine eligibility for unemployment benefits.
- g. If re-employed within twelve (12) months of separation, the employee’s City, department, and longevity dates at the time of separation shall be adjusted to reflect the period of absence. Long-term Illness/Injury or sick leave account balances shall be restored if re-employed within (12) months. An employee who returns after an absence of twelve (12) months shall be considered a new hire.

- h. If an employee is re-employed as a regular full-time or regular part-time employee during the period covered by severance, the employee shall reimburse the City for the portion of the severance pay unused at the time of re-employment.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 2 – EMPLOYMENT
2.16 – INVESTIGATIONS

GENERAL POLICY

Employees have a responsibility to cooperate with investigations conducted within the City organization. Investigations will be conducted to determine if corrective action may be warranted to maintain good operations, discipline and service, to abide by federal, state laws, and municipal code.

SPECIFIC PROVISIONS

1. All employees are required to fully cooperate with any member of management who is conducting a work-related investigation.
2. Employees must not impede, or obstruct, an investigation. This includes, but is not limited to, threatening, intimidating, or coercing other individuals who may be contacted by management; or discouraging other individuals who may be contacted by management from responding to or cooperating with management.