

CHAPTER SIXTEEN

PERSONNEL POLICIES

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CHAPTER SIXTEEN

PERSONNEL POLICIES

ARTICLE 1 – Personnel Policies and Procedures

16.0101 - Adoption of Policies

The personnel policies and procedures of the City shall be as set out in the City Policy Manual and any future amendments to that manual; a copy of which is on file with the City Auditor. Those policies are hereby adopted and made a part of this chapter by reference.

16.0102 - Amendments to Policies

Sec. __ shall be amended to read as follows:

Sec. __ shall be deleted.

Sec. __ shall be added to said policies to read as follows:

16.0200 - Personnel Policy Manual

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Definitions

For the purpose of administering regulations for city personnel the following definitions will apply:

“City Council” - The governing body of the City of Arnegard.

“Permanent Employee” - A person who has been employed by the City of Arnegard for a minimum of three (3) months and whose employment has been uninterrupted for that time.

“Probationary Employee” – For the first three (3) months of employment, an employee will be considered on probation. If at the expiration of three (3) months employment, the employee’s performance is deemed satisfactory, they will be notified of their permanent status. If the employee’s performance is deemed unsatisfactory, their employment will be terminated. (Amended: Ordinance No. 120 – 2/12/2015)

“Temporary Employee” - A person whose employment is expected to last less than six (6) months.

“Part-time Employee” - A person employed for part days, or other arrangements whereby the City of Arnegard does not use the employee full-time. A part-time employee may be permanent or temporary.

The policies described are not intended to create a contract of employment between the City of Arnegard and its employees. The purpose of these policies is to assure uniform, equitable and fair treatment of all employees.

Hours of Operation

Employees will have a basic work week as set by City Council and determined by workload. Personnel may be required to work other than the usual working hours or in excess of the standard forty (40) hour work week whenever it is necessary for the preservation of the health and or welfare of the citizens of the City of Arnegard.

Work schedules may need to be adjusted to attend city meetings, planning and zoning meetings, county meetings, etc. that are conducted in the evening. Or for snow removal, water breaks, street repairs, maintenance, etc. City personnel are allowed a one hour unpaid break per day.

Qualifications and Appointments

All persons seeking employment with the City will make application with the City Auditor. Appointed positions are the City Auditor, Maintenance Worker and Police Officer. (Amended: Ordinance No. 120 – 2/12/2015)

The City Auditor;

- 1) must have education requirements of an associate degree in accounting or at three (3)

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years of accounting and budget writing experience, or as determined acceptable by the City Council.

- 2) have attended within the last 3 years or be willing to attend City Auditor Training as provided by the NDLC.

The Maintenance Worker;

- 1) must be experienced in operating City equipment correctly and safely.
- 2) be either certified or willing to be certified as a Water Distribution Operator and Waste Water Operator, or a minimum of three (3) years of equivalent experience.

The Mayor is held responsible for the conduct of all employees in their department and the efficiency of its operation, subject to rules and regulations set forth by the City Council. It is the duty of the Mayor to direct and supervise personnel and the functions of the department, to keep and maintain records thereof and render such reports of its operation as requested or required by the City Council or state of North Dakota. The employment of personnel and all actions affecting employees will be based solely on merit, ability and justice.

Attendance Policy

Employees are expected to report to work as scheduled and on time. If it is impossible to report for work as scheduled, employees must call the Mayor before their starting time. If the Mayor is unavailable, a voice message should be left. If the absence is to continue beyond the first day, the employee must notify the Mayor daily unless otherwise arranged. Calling in is the responsibility of every employee who is absent. Absence for three consecutive work days without notification is considered a voluntary termination.

Leave of Absence

Up to five (5) days leave of absence without pay can be authorized by the Mayor. Absences in excess of five (5) days will need approval of the City Council. (Amended: Ordinance No. 120 – 2/12/2015)

Pay and Compensation

- All pay and compensation are set by resolution of the City Council.
- All wages are subject to withholding taxes as set by law by the federal and state governments.

Employees will be required to complete a daily time sheet certifying the amount of regular time and overtime worked.

New employees are required to complete an Employee's Withholding Allowance Certificate (W-4) and an Employment Eligibility Verification (I-9). Employees must present their Social Security card and valid driver's license prior to start of work.

Pre-employment drug testing will be conducted before the employee starts work.

In accordance with the laws of the State of North Dakota, employees of the City will be covered

by Unemployment Insurance.

Overtime

Non-exempt employees are eligible to receive overtime pay if they work more than 40 hours in a given week. Holidays, are not included in hours used to determine overtime eligibility. Overtime pay equals 1.5 times an employee's regular hourly rate.

Personal Time Off (PTO) Leave

All Permanent Employees shall accrue Personal Time Off (PTO) in accordance with the following schedule:

Length of Service in Years	PTO Hours accrued each Pay Period	Maximum Accumulation Hours
0-2	5.00	180.00
3-5	6.00	216.00
6-8	7.33	264.00
9-12	8.33	300.00
13-14	9.33	336.00
15 and thereafter	10.67	384.00

Employees shall schedule PTO, with the approval of the Mayor, in accordance with the work activity of the City.

Each year, employees with the maximum accumulated PTO hours balances as of December 31, shall not accumulate any additional PTO hours until such time the maximum accumulated hours as been reduced until the maximum. Any exception must be approved by the Mayor.

When an employee voluntarily terminates, the employee will be paid for the number of PTO hours he/she has not used at the time of termination, but only if the employee has given the required advance notice. To receive reimbursement for accrued PTO hours, employees must give a two (2) week written notice to the Mayor. Employees not giving the required notice will not be reimbursed for the accrued PTO hours. The employee will not be paid more than the maximum accumulation hours.

Any employee who is discharged by the City shall be entitled to their unused PTO hours, minus any monies owed to the City. (Amended: Ordinance No. 120 – 2/12/2015)

Holidays

The follow holidays shall be observed and will be defined as paid holidays:

New Year's Day
President Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day and the Friday thereafter
The half day before Christmas Day
Christmas Day
Employee's Birthday or a Floating Holiday

(Amended: Ordinance No. 120 – 2/12/2015)

In the rare occasion employees must work on a holiday, the employee will be paid one and one-half times the regular rate of pay.

Funeral Leave

Employees will be paid for up to three days to attend the funeral of immediate family. Immediate family is defined as a spouse, children (including step and foster children), grand children, parents, grandparents, siblings and corresponding in-laws. If additional time off is required, employees should talk to the Mayor. Time off without pay may be provided so that employees can attend the funeral of individuals other than those listed.

Jury Duty

Employees will be paid their full salary during an absence mandated by jury duty. If an employee receives any compensation for this duty, they should present it to the City Auditor as a temporary payroll adjustment, unless prohibited by law. Employees must provide a copy of the Jury Summons. An employee who is personally interested in or a party to a criminal or civil action or who voluntarily appears as a witness, the absence must be pre-approved by the Mayor.

Military Leave

Military leave applies to officers and employees of state or political subdivisions in the National

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Guard or federal service to retain status or ranking for a period of active service; and all officers and employees of this state or of a political subdivision who are members of the armed forces reserve, are subject to call in federal service by the President of the United States or who volunteer for such service. When ordered by the proper authority to active non-civilian duty, the employee will be entitled to a leave of absence from such civil service for the period of such active service without loss of status or ranking. If such persons have been in the continuous employment of the state or political subdivision for ninety (90) days of such leave of absence, the first thirty (30) days of such leave of absence will be without loss of pay. An employee who enlists or is inducted in the armed forces is entitled to a leave of absence without pay for the duration of his initial period of service and three (3) months thereafter. Such an employee, upon return from active military duty, will be given his position formerly held or one of like seniority, status and pay, provided he applies within ninety (90) days after receiving his discharge. Seniority will be in effect during a military leave of absence.

Insurance Benefits

The City of Arnegard has established a comprehensive employee benefits program designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness, disability, or death and to help plan for retirement. All non-probationary employees become eligible for insurance benefits on the first day of the month following a completion of the probationary period.

The City pays the entire health insurance premium for the employee. The employee may sign up for family coverage; however, the City shall only pay the premium for the employee. The premium for family coverage, if selected, will be automatically deducted from the employee's paycheck.

The City of Arnegard reserves the right to amend or terminate any insurance programs or to require or increase employee premium contributions toward any benefits with or without advance notice at its discretion. Whenever an amendment is made to any of the City's benefit programs, the City Auditor will notify plan participants of all approved amendments or plan termination.

Employees may waive some or all employee benefits, including health, life, death and/or retirement, by submitting a formal written waiver to the City Auditor.

(Amended: Ordinance No. 120 – 2/12/2015)

Retirement Plan

All employees shall participate in retirement plans in accordance with the terms and conditions of said plan. Further information is available in the City Auditor's office. (Amended: Ordinance No. 120 – 2/12/2015)

Business Expense Reimbursement

Employees will be paid their regular salary/wage while attending conventions, institutions,

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seminars, workshops, etc., while on official City business. The City will reimburse employees for expenses which are directly business related for travel expenses and mileage incurred while traveling on business. Employees must submit receipts for all expenses. Employees should consult with the City Auditor prior to business trips to confirm eligible expenses. (Amended: Ordinance No. 120 – 2/12/2015)

Equal Employment Policy

It is the policy of the City to provide equal opportunity for all qualified persons and not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, veteran status, disability, or any other protected status.

This policy applies to recruitment and placement, promotion, training, transfer, retention, rate of pay and all other details and conditions of employment.

Employment and promotion decisions will be based on merit and the principle of furthering equal opportunity. The requirements we impose in filling a position will be those that validly relate to the job performance required.

All other personnel actions including compensation, benefits, transfers, layoffs, recalls from layoffs, training, education, tuition assistance and recreation programs will be administered without regard to race, color, religion, sex, age, national origin, disability, veteran status, or any other protected status, in accordance with appropriate law.

A “Personnel Advisory Committee” will meet from time to time as determined by the City Council.

Harassment Policy

Any employee who believes he or she is being harassed, or any employee, who becomes aware of harassment, should promptly notify the Mayor. If the employee believes that the Mayor is the harasser, the employee shall notify the President of the City Council. IF an employee is uncomfortable discussing harassment with the Mayor and/or the President of the City Council, they may seek assistance through the North Dakota League of Cities. (Amended: Ordinance No. 120 – 2/12/2015)

Drug and Alcohol Policy

The City realizes that the misuse of drugs and alcohol impairs employee health and productivity. Drug and alcohol problems result in unsafe working conditions for all employees and customers. The City is committed to maintaining a productive, safe, and healthy work environment, free of unauthorized drug and alcohol use. Random drug and alcohol testing will be done periodically.

Any employee involved in the unlawful use, sale, manufacturing, dispensing or possession of controlled substances, illicit drugs and alcohol on City premises or work sites, or working under the influence of such substances, will be subject to disciplinary action up to and including dismissal

and referral for prosecution. The city maintains a no tolerance policy.

USE OR ABUSE OF ALCOHOL AND OTHER DRUGS

The City is a Drug-Free Workplace and realizes that the use and abuse of alcohol and drugs poses a serious threat to the health and welfare of people, and to the City, if an employee's use or abuse has an impact on job performance.

The policy of the City is to encourage employees to voluntarily seek help from professionals of their choice for chemical usage problems, and not to terminate the employment of employees who seek said help voluntarily.

If an employee's use or abuse of alcohol or drugs is interfering with job performance, in the reasonable discretion of the Mayor, the employee shall be advised by the Mayor regarding the policy of voluntarily seeking help for this problem.

The City Auditor shall be advised of all self-identification of drug or alcohol problems.

ALCOHOL & CONTROLLED SUBSTANCE ABUSE TESTING

POLICY REQUIRED ALCOHOL AND CONTROLLED-SUBSTANCE TESTING OF EMPLOYEES

All City employees are subject to the requirements of this policy, including pre-employment testing. Provisions for disciplinary actions are based on the independent authority of the City.

ALCOHOL PROHIBITION

Employees must:

1. Test when requested.
2. Not use alcohol, in any form, while on the job or in work status.
3. Not consume an alcoholic beverage within 4 hours of the beginning of the scheduled work shift.
4. Not report to work under the influence of alcohol.
5. Not remain on work duty with a breath-alcohol concentration (BAC) of .02 or greater.
6. Not use alcohol within 8 hours after an accident or until undergoing a post-accident alcohol test.

CONTROLLED-SUBSTANCE PROHIBITION

Employees must:

1. Test when requested.
2. Not use illegal controlled substances.
3. Not use prescription drugs containing controlled substances contrary to the physician's instructions.

4. Notify the Mayor if using a prescription containing a controlled substance. The driver must also provide a physician's statement that use of the drug does not adversely affect the driver's ability to operate a commercial motor vehicle.

The Act requires that employees be available to be tested while on duty and just prior to, just after, or while performing a safety-sensitive function. An employee, who refuses to be tested, refused to cooperate in testing, attempts to tamper with the specimen presented to the vendor or alters test results, will be terminated.

ALCOHOL AND CONTROLLED-SUBSTANCE TESTS

All applicants and employees who undergo City-mandated tests must be notified if the test result is positive. The vendor will follow specific procedures if an alcohol-test result is positive. The procedures are required by federal guidelines and are intended to make sure that the test result is a true positive.

Test required by the City, except for pre-employment tests and return-to-duty tests, are considered a duty assignment. Time for travel and time spent in providing the specimen at the collection site will be with pay.

DEFINITION OF POSITIVE ALCOHOL TEST

Alcohol tests will be considered positive if the breath test indicates an alcohol presence of .02 or greater. If the test results are positive, the employee and City Auditor, Superintendent or Mayor, will be notified before the employee leaves the test site. If an alcohol test indicates an alcohol concentration greater than .00 but less than .02 the test is considered negative, but the employee will be taken out of service for 24 hours.

TESTING VENDOR RESPONSIBILITIES IN ALCOHOL TESTS

If the initial test results are .02 or greater, the testing vendor will wait 15 minutes and then issue a retest or confirmation test. During the 15-minute waiting period before the confirmation test, the employee will be given a set of instructions (for example, no eating or drinking) that must be followed. If the employee does not follow these instructions, it may be considered an attempt to alter the test results. The confirmation test result is used to make decisions about employment and treatment.

DEFINITION OF POSITIVE CONTROLLED-SUBSTANCE TEST

A test will be considered positive if evidence of a controlled substance, for which no legitimate explanation is determined by the medical review officer, is found in the urine specimen.

TESTING VENDOR RESPONSIBILITIES IN CONTROLLED-SUBSTANCE TESTS

Controlled-substance tests must use proper laboratory procedures. If a test is positive, the physician serving as the testing vendor's Medical Review Officer (MRO) will review it. The MRO will follow specific procedures required by the federal guidelines. These procedures are intended to make sure that the test result is a true positive. The MRO will call the employee who has tested positive, discuss what might have caused the test result to be positive, and make sure of the result before notifying the City. If the test remains positive, the employee may request, at the employee's expense, that a second independent analysis be performed on the untested portion of the sample.

PRE-EMPLOYMENT TESTS

All new employees will be hired by the City on the condition of a negative drug test (administered after being chosen but before being hired) and possibly a drug-testing record from previous employers, if applicable, that shows no drug use for the previous two years or successful treatment followed by a lengthy non-use time period. No person may commence employment with the City prior to the receipt of the negative drug test paperwork.

City job announcements will indicate that all positions of the City require pre-employment drug testing.

POST-ACCIDENT TESTS

Employees are responsible for notifying the City Auditor and Mayor of any accident.

1. In an accident resulting in a death, the driver of the City vehicle and any passenger(s) must undergo post - accident testing.
2. In an accident which does not result in a death, but in which the City driver is cited for a moving traffic violation, the driver must undergo post-accident testing.

Employees must be tested for alcohol and controlled substances within two (2) hours after all accidents resulting in a death or where the driver is cited for a moving violation.

RANDOM TESTS

Employees may potentially be tested at any time, even if there is a recent previous test.

Once an employee is notified of the testing, the employee must report immediately to the testing site.

REASONABLE-SUSPICION TESTS

An employee must undergo alcohol or controlled substance testing when the Mayor has reason to believe that the employee has used alcohol or controlled substances in violation of this policy. The test may be administered at any time the employee is on work status

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All Mayors will be given adequate training to make judgments about a reasonable suspicion of drug or alcohol use. The Mayor's judgment must be based on specific observations relating to appearance, behavior, speech, or body odors, including indications of the chronic and withdrawal effects of controlled substances. The Mayor must document the observations fully upon notifying the employee that testing is required.

The employee must report to the testing site immediately after being directed to do so by the Mayor. The Mayor will provide transportation to the Testing site.

RETURN -TO-DUTY-TESTS

If any test result is positive and the course of treatment recommended has been completed, the employee must submit to return-to-duty alcohol or controlled substance tests prior to resuming duties. The return-to-duty alcohol test must indicate a breath-alcohol concentration of less than .02. Controlled-substance test results must be negative.

FOLLOW-UP-TESTS

Unannounced follow-up tests are required for any employee who, after a positive test result, is determined by a substance abuse professional to need help with alcohol or controlled-substance abuse.

TEST RESULTS AND REQUIRED ACTION FOR CONTROLLED-SUBSTANCE AND ALCOHOL CONTROLLED-SUBSTANCE TESTS

Results	Employee Status	Required Action
positive	applicant	not hired
positive	employee, introductory employee	taken off duty, referred for evaluation and treatment, if evaluation shows it needed; subject to City discipline up to and including TERMINATION.

ALCOHOL TEST

Results	Employee Status	Required Action
.02+	applicant	not hired
.02-.039	employee, introductory employee, temporary employee	taken out of service for 24 hours without pay
.04+	introductory employee,	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION
.04+	employee	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION
.1+	employee	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION

OTHER PROHIBITED CONDUCT-REQUIRED ACTION

Prohibited conduct	Employee Status	Required Action
refusing to be tested	applicant	not hired
refusing to test	employee, introductory employee, temporary employee	taken out of service for 24 hours without pay; test prior to returning to work; subject to City disciplinary action, up to and including TERMINATION
reporting for duty fewer than 4 hours after consuming an alcoholic beverage	employee, introductory employee, temporary employee	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION
consuming alcohol within 8 hours after a reasonable suspicion occurrence or an accident in which there was a fatality or a citation for moving violation	employee, probationary employee, temporary employee	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION
possessing or consuming alcohol beverage as defined in Title V of the North Dakota Century Code, on the job	Employee, probationary employee, temporary employee	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION

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possessing or using a controlled substance without a doctor's prescription	Employee, probationary employee temporary employee	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION
performing a safety-sensitive function while using a prescription containing a controlled substance when a physician has not instructed the employee that the substance does not adversely affect the drivers ability to safely operate a commercial motor vehicle	Employee, probationary employee temporary employee	taken off duty, referred for evaluation and treatment, if evaluation shows it is needed; subject to City discipline up to and including TERMINATION

OUT-OF-SERVICE REQUEST

All employees are subject to call for emergency duties. However, if the employee has consumed any alcoholic beverage in the 4 hours prior to the call, or suspects that he/she may have a breath-alcohol concentration .02 or above, the employee must take himself or herself out of service. No disciplinary measures will be taken for out-of- service requests. An employee subject to call for emergency duties who will not be operating motorized equipment may report to duty at the discretion of the Mayor. The employee may not perform a safety-sensitive function or operate motorized equipment.

CITY AUDITOR, MAYOR RESPONSIBILITIES

The City Auditor and Mayor will not permit any employee to violate this policy. All managers must require reasonable-suspicion testing of any employee who would appear to be in violation of this policy. Failure to carry out duties under this policy will result in disciplinary action up to and including dismissal.

All responsible Administrators of the Drug Testing Policy will receive the training necessary to perform their duties. The training will cover the physical, behavioral, speech, and performance indicators of probably alcohol misuse and use of controlled substances.

All Drug testing Administrators are bound by the rules of confidentiality. No information may be released except as provided in this policy or expressly authorized by 49 CFR 382.405. No administrator responsible for implementing random testing may give any notice or information about upcoming test requirements. Any violation of these confidentiality requirements will result in disciplinary action up to and including termination.

RECORD RETENTION

Retain for 5 years

1. Results of driver-alcohol tests indicating an alcohol concentration of .02 or greater.
2. Results of positive controlled-substance tests.
3. Documentation of refusals to submit to tests.
4. Calibration documentation.
5. Driver evaluation and referrals.
6. Annual summary.

Retain for 2 years

1. Records related to the alcohol and controlled-substance collection process.
2. Training.

Retain for 1 year

1. Records of negative and canceled controlled-substance test results and alcohol-test results with a concentration of less than .02.

All testing information about individual employees is confidential and is not in the public domain. Such information may not be released except as required by law or expressly authorized by 49 CFR 382.405.

CITY REQUIREMENTS TO INQUIRE WITH PREVIOUS EMPLOYERS

The City may inquire with previous employers before hiring someone to fill a safety-sensitive position. Prior to being hired by the City, applicants must sign a release of information allowing City officials to inquire with previous employers about the applicant's drug-and alcohol-testing history during the previous two years. Information that may be requested includes:

1. Previous test dates
2. Positive test results
3. Refusals to test
4. Evaluation and rehabilitation results

POLICY REVIEW AND CHANGE

A "Personnel Advisory Committee" will meet from time to time as deemed necessary by the City Council.

Safety Policy and Workforce Safety

The City is sincerely interested in the safety and well-being of our employees. The City will make every effort to keep all equipment in proper operating condition and make sure that all safety devices are working properly. If, in spite of our efforts to ensure safe working conditions, if an employee has an accident or becomes ill on the job, it should be reported immediately. All employees are protected by Workforce Safety Insurance against accidental injury or occupationally incurred illnesses in the performance of their duties.

All on-the-job accidents and injuries or occupationally incurred illnesses must be reported immediately to the City Auditor and Mayor. This is for the protection of the employees as well as the city and is required by Workforce Safety.

Dress Code Policy

The City maintains a business casual working environment. All office employees should use discretion in wearing attire that is appropriate for the office and customer interaction. Shop employees should wear clothing that provides adequate protection and durability for the work being performed.

Smoking Policy

The City maintains a non-smoking policy in compliance with North Dakota State Law. Employees are not allowed to smoke in any city owned buildings or equipment, including shop equipment and vehicles. Violation of this policy will result in disciplinary action.

Telephone and Computer Use Policy

The City understands that when employees work during the week it is occasionally necessary to conduct personal business during office hours. However, employees should limit their personal use of the telephone and computer during office hours. Because telephone and e-mail systems are provided by the City at its expense for business use, all messages sent by or received on those systems are company documents. The City reserves the right to access and to disclose the messages that you send or receive on voice mail, e-mail systems, or wireless text messaging. Computer privileges are given to each employee. Illegal activity on the computer is prohibited. History will be monitored and reviewed periodically. Be a responsible computer user. Passwords are private and not to be shared.

Texting is prohibited while driving or operating machinery.

Termination and Reduction in Force

Reduction in Force: If it is necessary to reduce personnel, the selection of employees to be retained will be based primarily on their relative efficiency and the necessity of the job entailed. Other things being equal, length of service will be given consideration. Prior to dismissal, an employee will be given at least two (2) weeks' notice except for employees employed for a

specified period of time.

Any official or employee in the City's employment serving a probationary period of three (3) months may be released, or other actions determined by the City Council without a hearing before the three (3) months probationary period has expired.

Dismissal: An employee who gives unsatisfactory service or who is guilty of a substantial violation of regulations will be subject to dismissal upon proper notification. In such cases, the employee, if he desires, will be given a hearing before the city Council. A private hearing will be held unless a public hearing is requested. An employee may be represented by legal counsel at his own expense.

Voluntary Resignation: Employees who voluntarily resign from the City are asked to provide at least two weeks advance notice of their resignation. This notice should be in writing and should briefly state the reason for leaving and the anticipated last day of work.