

Public Works / Finance Committee



Regular Meeting
~Agenda~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, June 8, 2026

4:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item and limitations may be placed on the time allowed for comments. If you plan to address the Committee, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Please note that council committee meetings are televised, videotaped and/or recorded. Links to view the City Council meeting live can be found on the City website and the City's YouTube channel. Thank you for your interest in City government.

REGULAR AGENDA

- 1. Approval of Public Works/Finance Committee May 26, 2026 Minutes (ACTION ITEM) - Laurie M. Hopkins**
- 2. Disbursement Report May 2026 (ACTION ITEM) - Sarah Decker**
Presentation of the Accounts Payable Report for the month ending May 2026.
ACTION: Accept the Disbursements Report for the month of May 2026.
- 3. Moscow Police Department – Annual Small Grant Requests and Awards (ACTION ITEM) – Alisa Anderson**
The Moscow Police Department (MPD) annually applies for several small grants to support the procurement of equipment such as bulletproof vests, as well as to facilitate traffic enforcement mobilizations and other safety activities. These grants provide essential funding and resources to enhance public safety, including protective gear, operational equipment, and program support for various community safety initiatives. These efforts align with MPD's community-oriented policing mission to improve residents' quality of life through partnerships and problem-solving, while ensuring officers are properly equipped to perform their duties safely. The MPD is seeking approval and/or ratification of the small grant funding requests and awards, totaling up to \$50,000, for the period from July 1, 2026, through June 30, 2027.
PROPOSED ACTIONS: Recommend approval and/or ratification of funding requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the period of July 1, 2026, through June 20, 2027, or provide staff further direction.
- 4. Personnel Policy Updates Resolution (ACTION ITEM) – Sharon Games**
The Human Resource Department has identified the need to make several updates to the City's adopted Personnel Policies. The proposed amendments to the policy include updates to reflect recent regulatory changes, aligning and formalizing policies with original intent and current practices, and the addition of a new policy for Artificial Intelligence. Staff will present the proposed updates for the Council's consideration.

PROPOSED ACTIONS: Recommend approval of the proposed Resolution; or provide staff with further direction.

ADJOURN

NOTICE: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adacoordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

Public Works / Finance Committee



Regular Meeting
~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, May 11, 2026

4:00 PM

Council Chambers
206 E. Third St.

The meeting was called to order at 4:00 p.m.

PRESENT: Drew Davis, Scott Sumner, Sandra Kelly

ABSENT: Evan Holmes

OTHERS: Mayor Hailey Lewis, Council Member Sage McCetich, Council Member Bryce Blankenship

STAFF: Bill Belknap, Mia Bautista, Amanda Argona, Nichoel Baird Spencer, Tyler Palmer, Alisa

Anderson, Sarah Decker, Justin Kilborn, Laurie M. Hopkins

REGULAR AGENDA

1. Approval of Public Works/Finance Committee April 13, 2026 Minutes (ACTION ITEM) - Laurie M. Hopkins

The minutes were approved as presented.

2. Disbursement Report April 2026 (ACTION ITEM) - Sarah Decker

Presentation of the Accounts Payable Report for the month ending April 2026.

ACTION: Accept the Disbursements Report for the month of April 2026.

Decker presented the disbursement report and provided details on the major expenses including payroll, payment for city shop construction, WRRF effluent filtration dewatering and disinfection professional services, and the second DEQ loan payment. The Committee accepted the report and that it be placed on the Council consent agenda.

3. Artwalk Season Finale Alcohol Use Request in Entertainment District (ACTION ITEM) - Amanda Argona

The Moscow Chamber of Commerce + Visitor Center is hosting the Artwalk Season Finale on Saturday, June 13th, from 4:00 pm to 8:00 pm on Main Street between 3rd and 6th Streets. This annual event concludes the 2025-2026 Artwalk Season in an artistic and festive manner. No more than 7 (seven) licensed vendors will be authorized for beer/wine sales, and a variety of activities will take place including live music, food sales, art demonstrations, and more. The event has been reviewed and approved as of March 10, 2026. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Artwalk is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12; a draft resolution has been prepared for Council's consideration.

PROPOSED ACTIONS: Recommend approval of the resolution allowing for the temporary suspension of the open container law within the event footprint of the Artwalk Season Finale for the duration of the event; or provide staff further direction.

Argona introduced the item as written above. This is the first time the Chamber will be hosting Artwalk. There will be no more than 7 alcohol vendors in the event.

Kelly asked Barkowski explained they have stream-lined alcohol wrist bands. If an artist is sponsored

by a business but not a featured artist at the Chamber, you can still sell your wares on the street. The Committee recommended approval and that it be placed on the Council consent agenda.

4. Fullsterkur Strongman Alcohol Use Request in Entertainment District (ACTION ITEM) - Amanda Argona

North Idaho Athletic Club is the host of the Fullsterkur Strongman competition on Saturday, June 27th, from 7:00 am to 4:00 pm on Main Street between 3rd and 1st Streets. This event is being hosted in the Entertainment District for the first time. No more than 1 (one) licensed vendor will be authorized for beer/wine sales during the hours of 11 am to 4 pm, with several weightlifting activities taking place. The event has been reviewed and approved as of March 10, 2026. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Fullsterkur is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12; a draft resolution has been prepared for Council's consideration.

PROPOSED ACTIONS: Recommend approval of the resolution allowing for the temporary suspension of the open container law within the event footprint of the Fullsterkur Strongman Competition during the hours of 11 am to 4 pm during the event; or provide staff further direction.

Argona introduced the item as written above. This is the fourth annual Fullsterkur Strongman but the first time in the entertainment district. Alcohol will only be served from 11am to 4pm but the event is longer. The Committee recommended approval and that it be placed on the Council consent agenda.

5. Proposed Renewal of Licensing Agreement for Shared Mobility Program with Pheenix USH LLC D/B/A Spin (ACTION ITEM) — Tyler Palmer

The City of Moscow entered into a Licensing Agreement for a Shared Mobility Program with Pheenix USH, LLC d/b/a Spin in June 2025 to allow the deployment of up to 150 shared mobility electric scooters within the City of Moscow, subject to compliance with Moscow City Code Title 11, Chapter 2 governing bicycles and shared mobility programs. The program provides a multimodal transportation option for residents and visitors, supporting reduced traffic congestion, expanded mobility options, and carbon-free transportation alternatives. The current agreement has a term of one (1) year, and is set to expire on June 2, 2026. Spin as requested to renew the license agreement for an additional one (1) year term under the same terms and conditions.

PROPOSED ACTIONS: Recommend approval of the Licensing Agreement with Pheenix USH, LLC d/b/a Spin for a one-year term, or provide staff with further direction.

Staff presented the annual renewal of the City's shared mobility licensing agreement for Spin scooters. The program, first deployed in Moscow this past year, supports the City's transportation and climate goals by providing an alternative to vehicle travel for short trips. The agreement allows up to 150 shared mobility devices to operate citywide, including on the University of Idaho campus, with designated dismount zones, low-speed areas, and geofenced parking locations. The licensee is required to maintain a local operator responsible for daily rebalancing, maintenance, complaint response, device relocation, and a 24-hour customer service hotline. Insurance requirements are also included in the agreement. Staff reported positive feedback from both the University of Idaho and the Police Department, with no significant concerns identified. During the first year of operation, the program recorded approximately 16,000 rides totaling more than 17,000 miles. The average trip length was 1.2 miles, with more than 6,000 users participating. Staff noted that 61% of riders were local residents and that complaint volume remained very low, with only three formal complaints received and no reported accidents. Staff also highlighted the company's rider education efforts, safety messaging, rider accountability measures, and responsiveness in implementing temporary and permanent geofenced areas for events and operational needs.

The company pays the city in order to operate their scooters and utilize infrastructure. The city does not provide any financial support to the service. The company is required to have a license. Kelly prefers a one year term. She didn't feel one year is enough to know how the program is going.

The Committee recommended approval and that it be placed on the Council regular agenda for a presentation by the company representation.

6. WaterSMART Small-Scale Water Efficiency Grant Application (ACTION ITEM) — Alisa Anderson / Justin Kilborn

The WaterSMART Small-Scale Water Efficiency grant supports water programs by providing cost-sharing opportunities with the Bureau of Reclamation (BOR) for small-scale projects that conserve and improve water supply reliability in the western U.S. The City is eligible to apply as a local water authority in Idaho. Eligible projects include municipal metering, such as installing or upgrading water meters for residential and commercial buildings, along with related software, equipment, and training for meter monitoring. The maximum award is \$100,000, requiring a 50% match, with total project costs not exceeding \$225,000. The City previously applied for a grant under this program in January 2025 and received notification of an award in April 2026. Staff is currently collaborating with BOR to finalize the award Agreement. Although the City has already received an award, it remains eligible to apply for this upcoming round of funding. Staff is requesting authorization to submit an application for \$100,000 to purchase and install an additional 500 water meters, with total project costs not to exceed \$225,000. The application deadline is June 2, 2026.

PROPOSED ACTIONS: Approval to submit a grant application for \$100,000 to the WaterSMART Small-Scale Water Efficiency Program with the proposed corresponding Resolution, or provide staff further direction.

Anderson provided a history with the BOR which started in 2023. They have two programs which in 2024 the City applied for the small-scale energy efficiency program but were not awarded. Staff had a debrief with the BOR who suggested two changes to the application. Preparation of budget in regard to in-kind recording and adding poverty levels. Staff reapplied in October 2025 and received the response this March. The BOR encourages reapplying for another \$100,000. Kilborn said staff has installed just over 1,200 meters with 200 waiting to be deployed. This is a 7-10 year program with 4,100 meters left. Anderson said with this application, there is a \$125,000 match. Kilborn added that these meters are replacing existing meters and old meters are being recycled. The Committee recommended approval and that it be placed on the Council consent agenda.

7. Blue Cross of Idaho - Grant Agreement (ACTION ITEM) — Alisa Anderson / Amanda Argona

City staff is pleased to announce it has received a \$7,000 grant from Blue Cross of Idaho Foundation for Health, Inc., to support two key Farmers Market initiatives: the Power of Produce (POP) Club and Bicycle Benefits programs, both aimed at promoting community health and sustainability. The POP Club engages children aged five to twelve with hands-on, sensory activities from June to September, providing \$5 vouchers to encourage healthy eating and curiosity about food sources. Bicycle Benefits incentivizes biking to the Market, with participants earning \$2 tokens each Saturday that can be redeemed with any vendor, often supporting local agricultural vendors. This funding will significantly enhance community health, promote sustainable transportation, and bolster local economic support. Staff is requesting approval to accept this grant award.

PROPOSED ACTIONS: Recommend approval to accept the grant award from the Blue Cross of Idaho Foundation and authorize the Mayor to execute the Grant Agreement or provide staff further direction.

Mayor Lewis explained the Foundation is separate from the insurance division and there is no qualification to be a member.

Argona explained both programs were started in 2018. The first couple years there was no data collection. The bicycle benefits program is serving 60 households and tokens are being predominantly used for produce. There was over \$5,000 in reimbursements to vendors last year. The POP program is about getting kids excited about food. This year Community Events will be partnering with Recreation to help support the program. If funded, they will be able to increase the incentive or offer it to more kids. The bike stickers can be purchased at the Farmers Market staff table.

The Committee recommended approval and that it be placed on the Council regular agenda.

ADJOURN

The meeting adjourned at 4:41 p.m.

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, June 8, 2026



AGENDA ITEM TITLE

Disbursement Report May 2026 (ACTION ITEM) - Sarah Decker

RESPONSIBLE STAFF

Sarah Decker, Director of Finance & Employee Services

ADDITIONAL PRESENTER(S)

DESCRIPTION

Accounts Payable Report for the month ending May 31st, 2026. A summary of the major expenditures has been approximated by category and represents 97% of the total expenditure of \$3,684,104.54.

Payroll	\$1,977,740.00
Professional Services	\$83,799.00
Sanitation	\$400,407.00
Capital Outlay	\$339,412.00
Capital Outlay - Improvement	\$201,664.00
Capital Outlay - Vehicles	\$13,213.00
Capital Outlay - Buildings	\$24,299.00
Minor Equipment	\$17,381.00
Supplies	\$138,329.00
Utilities	\$79,400.00
Contractual Payments	\$225,826.00
ACH Wells Fargo	\$67,276.00
Total	\$3,568,746.00

REVIEWED BY

PROPOSED ACTIONS

ACTION: Accept the Disbursements Report for the month of May 2026.

STAFF RECOMMENDATION

Accept the Disbursements Report for the month of May 2026.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. May Revenue Report 2026
2. Cash & Investments Balances - May 2026
3. Disbursement Report May 2026
4. Major Expenditures Report May 2026

RECEIPTS REPORT FOR MAY 2026

FUND NAME		Taxes	Franchise Fees	Licenses & Permits	Intergovernmental	Charges for Services	Fines & Penalties	Investment Income	Refunds & Reimbursements	Contributions & Donations	Other	Grand Total
Fund #												
101	GENERAL	40,345.74	133,874.30	98,566.10	0.00	151,288.76	8,009.91	316,402.23	13,757.28	0.00	5,364.75	767,609.07
105	STREETS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
120	RECREATION AND CULTURE	0.00	0.00	25.75	0.00	61,982.02	0.00	0.00	734.80	0.00	13.50	62,756.07
121	MSD COMMUNITY PLAY FIELDS	0.00	0.00	0.00	10,628.34	0.00	0.00	0.00	0.00	0.00	0.00	10,628.34
123	1912 CENTER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
128	TRANSIT CENTER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49.61	49.61
220	WATER	0.00	0.00	0.00	0.00	623,335.13	0.00	1,805.98	16,434.82	0.00	0.00	641,575.93
230	SEWER	0.00	0.00	0.00	0.00	705,495.68	0.00	1,541.61	5,274.20	0.00	0.00	712,311.49
235	STORMWATER	0.00	0.00	0.00	0.00	52,005.27	0.00	0.00	0.00	0.00	0.00	52,005.27
240	SANITATION	0.00	0.00	0.00	0.00	509,612.00	0.00	0.00	0.00	0.00	0.00	509,612.00
290	FLEET	0.00	0.00	0.00	0.00	69,665.83	0.00	0.00	0.00	0.00	0.00	69,665.83
295	INFORMATION SYSTEMS	0.00	0.00	0.00	0.00	139,172.45	0.00	0.00	0.00	0.00	0.00	139,172.45
320	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
330	SEWER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
335	STORMWATER CAPITAL FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340	SANITATION CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
350	CAPITAL PROJECTS	0.00	0.00	3,708.00	0.00	0.00	0.00	24,849.43	0.00	0.00	0.00	28,557.43
355	LID CONSTRUCTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
380	HAMILTON P&R	0.00	0.00	0.00	0.00	0.00	0.00	2,401.06	0.00	0.00	0.00	2,401.06
590	BOND & INTEREST	5,179.22	0.00	0.00	0.00	0.00	0.00	2,046.51	0.00	0.00	0.00	7,225.73
595	LID FUNDS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL		45,524.96	133,874.30	102,299.85	10,628.34	2,312,557.14	8,009.91	349,046.82	36,201.10	0.00	5,427.86	3,003,570.28

City of Moscow
Cash and Investments
Balances as of 5/31/2026

Fund	Year to Date Balance
General Fund	\$ 5,483,520.22
Street Fund	\$ 2,366,419.19
Recreation & Culture	\$ 1,474,872.90
MSDCP	\$ 182,512.30
1912 Fund	\$ 51,989.72
Transit Center	\$ 46,470.24
Water Fund	\$ 1,804,793.46
Sewer Fund	\$ 3,198,801.36
Stormwater Fund	\$ 673,869.55
Sanitation Fund	\$ 2,306,906.48
Fleet Fund	\$ 6,322,184.72
Information Systems	\$ 1,878,653.22
Water Capital	\$ 12,321,197.26
Sewer Capital	\$ 30,414,980.59
Stormwater Capital	\$ 471,347.18
Sanitation Capital	\$ 11,562,520.56
Capital Projects	\$ 18,333,022.72
LID Construction	\$ -
Hamilton	\$ 794,020.43
Bond & Interest	\$ 1,116,996.38
LID Funds	\$ -
Payroll Service	\$ 1,327,344.56
Total Cash & Investments	\$ 102,132,423.04

DISBURSEMENTS REPORT FOR MAY 2026

DATE	FUND NAME	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	WELLSFARGO CC ACH	ACCOUNTS PAYABLE ACH	VOID CHECKS	PAYROLL	PAYROLL	PAYROLL	GRAND TOTALS
		5/6/2026	5/13/2026	5/20/2026	5/27/2026	5/11/2026	5/13/2026	5/1/2026	5/15/2026	5/29/2026		
BATCH #		AP 5.6.2026	AP 5.13.2026	AP 5.20.2026	AP 5.27.2026	5/19/2026 AP 5.1.2026 AP 5.15.2026	5/27/2026 AP 5.13.2026 AP 5.27.2026		PR182-183	PR184-185		
CHECK #'s		116209-116266	116267-116334	116335-116403	116404-116461	May's CC ACH's	May's ACH's		21694-21695	21696-21697		
Fund #	ACH for Wells Fargo to be Imported					24,431.15						24,431.15
101	GENERAL	25,201.83	222,366.94	19,801.11	17,360.30	8,593.54			397,851.30	417,827.95	352,359.43	1,461,362.40
105	STREETS	1,004.48	25,612.14	6,546.48	13,905.38	2,014.07			27,029.78	32,844.87	27,917.76	136,874.96
120	RECREATION AND CULTURE	1,863.60	16,375.91	11,124.90	25,129.59	11,836.22			68,936.19	68,907.67	63,628.74	267,802.82
121	MSD COMM. PLAY FIELDS	677.26	129.34						2,292.01	2,275.43	1,681.46	7,055.50
123	1912 CENTER			10,750.00								10,750.00
128	TRANSIT CENTER	340.38	149.77	1,012.09	200.00							1,702.24
220	WATER	40,440.12	29,389.60	5,129.82	3,032.09	688.45			56,628.03	59,155.12	50,434.77	244,898.00
230	SEWER	15,721.30	54,382.21	30,720.71	17,640.34	4,412.13	22,102.94		60,187.72	61,485.11	53,062.14	319,714.60
235	STORMWATER	362.37	1,009.37	992.15	1,234.34				19,737.80	19,260.95	17,071.12	59,668.10
240	SANITATION	177,736.01	2,116.66		28.42		200,568.26		4,184.69	4,274.03	3,789.07	392,697.14
290	FLEET	65,428.81	4,394.79	19,374.46	5,626.83	207.14			13,546.40	14,914.92	12,905.13	136,398.48
295	INFORMATION SYSTEMS	7,524.86		1,136.93		15,093.80			21,879.57	22,570.82	19,100.00	87,305.98
320	WATER CAPITAL PROJECTS						850.47					850.47
330	SEWER CAPITAL PROJECTS			47,148.00	14,879.63		850.47					62,878.10
335	STORWATER CAPITAL PROJECTS											0.00
340	SANITATION CAPITAL PROJECTS	1,779.63	297,968.00									299,747.63
350	CAPITAL PROJECTS	45,718.75	1,332.87	99,232.20	1,085.00		22,598.15					169,966.97
355	LID CONSTRUCTION											0.00
380	HAMILTON - PARKS & REC											0.00
590	BONDS & INTEREST											0.00
	TOTAL	383,799.40	655,227.60	252,968.85	100,121.92	67,276.50	246,970.29	0.00	672,273.49	703,516.87	601,949.62	3,684,104.54

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, June 8, 2026



AGENDA ITEM TITLE

Moscow Police Department – Annual Small Grant Requests and Awards (ACTION ITEM) – Alisa Anderson

RESPONSIBLE STAFF

Alisa Anderson, Grants Manager

ADDITIONAL PRESENTER(S)

DESCRIPTION

The Moscow Police Department (MPD) annually applies for several small grants to support critical operational needs, including the purchase of equipment such as bulletproof vests, and funding for traffic enforcement mobilizations and various safety and prevention programs. These grants provide vital resources that enhance community safety, safeguard youth, and facilitate the implementation of safety initiatives. This aligns with MPD's community-oriented policing philosophy, which focuses on improving residents' quality of life through partnerships, problem-solving, and ensuring officers are properly equipped to perform their duties safely. These grants are instrumental in supporting MPD's ongoing efforts to promote public safety, community engagement, and effective law enforcement. The grants under consideration include:

Bulletproof Vest Partnership (BVP): A program established by the BVP Grant Act of 1998, funded by the U.S. Department of Justice, designed to support law enforcement agencies in acquiring and replacing bulletproof vests. The program provides reimbursement for up to 50% of the cost for properly fitted body armor meeting current safety requirements to improve officer safety. Awards may be limited to three vests per year per agency, depending upon the federal funding allocations.

Partnership for Success Law Enforcement Grant (Idaho Office of Drug Policy): This program aims to prevent underage drinking and drug use through activities such as compliance checks, interdiction efforts, party patrols, and shoulder tap operations. MPD collaborates with the University of Idaho to deliver educational presentations on topics like marijuana, methamphetamine, and underage drinking. Reimbursements include staff time and benefits incurred during these activities.

Traffic Enforcement Grant (Idaho Transportation Department - ITD, Office of Highway Safety (OHS)): This grant allows MPD to participate in local and statewide traffic enforcement campaigns. It covers officer overtime (excluding regular time) and a portion of benefits during High Visibility Enforcement (HVE) operations focused on seatbelt use, impaired driving, aggressive driving, and distracted driving. Mini-grants may also be applied to support targeted enforcement during specific local events.

Included with this report is a summary of each program and the required OHS FFY2027 Traffic Enforcement Grant Project Agreement (TEGPA), Appendix A to Part 1300 Certifications and Assurances for Highway Safety Grants, Subrecipient and the Financial Risk Assessment FY27.

REVIEWED BY

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval and/or ratification of funding requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the period of July 1, 2026, through June 20, 2027, or provide staff further direction.

STAFF RECOMMENDATION

Recommend approval and/or ratification of funding requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the period of July 1, 2026, through June 20, 2027.

OTHER RESOURCES

Not applicable.

FISCAL IMPACT

BVP program is 50% match, and all others are in-kind or no match.

PERSONNEL IMPACT

Police, Grants, Finance Departments

ATTACHMENTS

1. 1. DOJ Grants
2. 2. Idaho Office of Drug Policy
3. 3. OHS Mobilizations
4. 4. FFY27 OHS TEGPA.ASSURANCES.FRISK



Bulletproof Vest Grant Program Overview

The Bulletproof Vest Grant Program is designed to support law enforcement agencies across the United States in acquiring and replacing bulletproof vests, which are vital for officer safety. The program typically provides funding covering up to 50% of the cost for NIJ-compliant vests, encouraging agencies to maintain up-to-date protective gear for their officers. Many agencies are also expected to contribute matching funds or in-kind resources to maximize the benefits of the grant.

Eligible applicants include police departments, sheriff's offices, and other authorized law enforcement entities. To apply, agencies must submit an online application during designated periods, including documentation such as inventory lists of vests to be replaced or purchased, proof of NIJ compliance, and detailed budget estimates. The application process emphasizes the importance of purchasing current, standards-compliant vests that meet safety requirements and address the specific needs of the agency.

Selection is based on factors such as the urgency of vest replacement, safety records, the age of existing vests, and the agency's overall risk profile. Once awarded, agencies are responsible for purchasing NIJ-certified vests, maintaining accurate records, and submitting periodic reports on vest distribution and usage to ensure accountability and proper utilization of funds.

The program cycles and deadlines vary annually, so agencies should stay informed through official notices. Overall, the grant aims to improve officer safety by ensuring that law enforcement personnel are equipped with reliable, standardized protective gear. For additional guidance, agencies can consult the official website, FAQs, and contact support resources provided by the program.



Idaho Office of Drug Policy

Our Mission

To reduce substance misuse and related harms across Idaho through effective prevention, treatment, enforcement, and recovery initiatives.

Our Goals

- **Reduce Substance Misuse:** Decrease rates of drug and alcohol use among residents.
- **Expand Access:** Increase availability of evidence-based prevention and treatment services.
- **Community Engagement:** Raise awareness and foster community-driven solutions.
- **Support Recovery:** Provide resources for individuals in recovery and prevent overdose deaths.
- **Data-Driven Decisions:** Use data to guide policies and measure success.

Key Programs & Initiatives

- **Prevention Campaigns:** Education programs targeting youth and at-risk populations.
- **Treatment Access:** Funding for local treatment centers and outpatient services.
- **Law Enforcement Support:** Training and resources for local agencies.
- **Recovery Support:** Peer groups, recovery housing, and employment programs.
- **Data & Evaluation:** Tracking trends and measuring program impact.

Funding & Resources

- Federal grants (e.g., SAMHSA, CDC)
- State budget allocations
- Community partnerships and private funding



**Idaho
Transportation
Department**

Idaho Office of Highway Safety

Program Description

The Idaho Transportation Department Office of Highway Safety (OHS) administers the Federal Highway Safety Grant Program, which is funded by formula. The goal of the program is to eliminate death and serious injuries resulting from motor vehicle crashes by implementing programs designed to address and change driver behavior. The purpose of the program is to provide grant funding at the state and community level for a highway safety program that addresses Idaho's own unique circumstances and particular highway safety needs. Any use of funds must support data-driven state traffic safety goals and highway safety countermeasures.

Development of Strategic Highway Safety Plan

Traffic Safety Problem Identification

A "traffic safety problem" is an identifiable subgroup of drivers, pedestrians, vehicles, or roadways that is statistically higher in crash experience than is normally expected. Problem identification involves the study of relationships between crashes and the population, licensed drivers, registered vehicles and vehicle miles, as well as characteristics of specific subgroups contributing to crashes or resulting in fatalities or injuries.

The Strategic Highway Safety Plan (SHSP) is implemented and approved by the ITD Board. The SHSP is the guiding document for the Triennial Highway Safety Plan (3HSP). The strategies outlined in the SHSP will help the State of Idaho attain the goal of "*Toward Zero Deaths.*,"

The statewide identification of traffic safety problems begins initially by evaluating Idaho's experience in each of the National Highway Traffic Safety Administration's (NHTSA) highway safety priority areas. These highway safety priority areas are:

- Impaired Driving
- Occupant Protection
- Aggressive Driving/ Speeding
- Pedestrian & Bicycle Safety
- Traffic Records
- Police Traffic Services
- Motorcycle Safety
- Youthful and Mature Drivers
- Distracted Driving

These program areas are determined by NHTSA to be the most effective in reducing motor vehicle crashes, injuries, and deaths. Consideration for other potential traffic safety problem areas comes from problems identified by the Idaho Traffic Safety Commission (ITSC) members, OHS staff, and by research-proven projects.

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The OHS uses statistical analysis for problem identification. Comparison data is developed, where possible, on costs of crashes, numbers of crashes, and the numbers of deaths and injuries. Supplementary data is gathered from the Idaho State Collision Database on helmet use for motorcycles and bicycles, child safety restraint use and seat belt use, as well as from available violation, suspension, and arrest information.

Problem or focus area reduction goals and performance measures are selected on the basis of the severity of the problem, economic costs, availability of grantee agencies to conduct successful programs, and other supportable conclusions drawn from the traffic safety problem identification process.

Project Development and Subrecipient Financial Risk Assessment

The annual project selection process begins by notifying state and local public agencies involved in traffic-related activities of grant funding availability. A Request for Application (RFA), reflecting the focus areas considered for funding, is released each January. Grant applicants must complete and submit the grant application and a subrecipient Financial Risk Assessment in accordance with the information in the RFA.

Once the application period has closed, potential projects are sorted according to the focus area most closely fitting the project. The OHS staff develops priority and funding recommendations using a criterion for assessing each project's potential to:

- Eliminate traffic deaths and serious injuries
- Improve the operation of an important traffic safety system
- Integrate as part of a community-wide crash elimination project
- Increase the coordination of efforts between several traffic safety agencies
- Past agency performance when recommending funding for future projects

Sub-grantee funding recommendations are incorporated into the Annual Grant Application (AGA) document and presented to the ITSC each spring for acceptance. The Idaho Transportation Department (ITD) Board approves the final HSP document for the NHTSA application deadline.



IDAHO TRANSPORTATION DEPARTMENT OFFICE OF HIGHWAY SAFETY
FFY 2027 Traffic Enforcement Grant Project Agreement (TEGPA)

This agreement for Federal Fiscal Year (FFY) 2027 (October 1, 2026 – September 30, 2027) is made and entered into by and between: (Agency Name) _____, hereinafter referred to as “Contractor” and the Idaho Transportation Department Office of Highway Safety, hereinafter referred to as “OHS” on the _____ day of ____, 20__.

IT IS THE PURPOSE OF THIS AGREEMENT to provide National Highway Traffic Safety Administration (NHTSA), funded assistance to the Contractor for participation in local and statewide traffic projects as specified in the Triennial Highway Safety Plan (THSP) target focus areas for the following safety-related activities:

- High Visibility Enforcement (HVE) traffic grant-funded mobilizations
- Mini-grants that support special emphasis on traffic enforcement, equipment, community education efforts, and traffic safety-related training

THE GOAL OF THIS AGREEMENT is to establish project requirements and a funding process to support the efforts of the contractor to reduce deaths, serious injuries, and economic loss as established in the THSP.

It is, therefore, mutually agreed that:

1. Contractor will conduct traffic enforcement mobilizations and/or mini-grants in accordance with the criteria established by OHS for each mobilization and/or traffic mini-grant.
2. Contractor will provide a commissioned police officer (active or paid reserve) with appropriate equipment (vehicle, radar, etc.) under conditions identified under Part 5 of this agreement to enforce impaired driving, alcohol beverage control, distracted driving, aggressive driving, safety restraint, school zone violations, bicycle, pedestrian, motorcycle laws with emphasis as designated by OHS and/or crash problem identification.
3. Contractor and/or partnering enforcement agencies will publicize the enforcement effort to increase effectiveness by.
 - a. Working with the media to increase awareness of enforcement efforts; and
 - b. Provide pre and post public outreach such as press releases, social media posts, or other messaging effort and make note of efforts on the Performance Report.
4. Contractor will take a zero tolerance for unrestrained drivers, passengers, and children during all OHS-funded mobilizations and mini-grants.
5. Based on the availability of funding and by signing this agreement, Contractor agrees to support statewide highway safety public awareness campaigns and will accept the benefits of having the earned and paid media run in their local communities.

6. OHS will reimburse Contractor for traffic enforcement grant activities at the rate of up to 1.5 times the officer's regular hourly rate plus Contractor's contribution to employee benefits, which are FICA/Medicare, unemployment, worker's compensation and PERSI. Agencies that use reservists may pay up to 1.5 times their documented established hourly rate for traffic enforcement grant activities.
 - a. For this agreement, regular-on-duty personnel hours are not eligible for reimbursement (unless a pre-arranged agreement is made, or it is otherwise stated in the Contractor policy).
 - b. Personnel are not required to be in overtime status if the Contracting agency has a policy that allows them to earn overtime while working on OHS traffic grants.
 - c. For this agreement, salaried positions are ineligible for reimbursement unless overtime is allowed and documented through Contractor policies.
 - d. Necessary focused additional dispatch service overtime may be reimbursed if requested prior to the grant activity.
 - e. Calls for service or responding to a crash that lasts more than 30 minutes cannot be claimed as grant-funded overtime.
7. Participation in future mobilizations and mini-grants is contingent on satisfactory performance during the prior mobilization, as determined by OHS. The attached *Traffic Enforcement Matrix* outlines specific expectations for grant-funded traffic enforcement activities.
8. The Contractor must submit the following forms in accordance with OHS requirements:
 - a. Performance Reports – required to be completed and submitted via WebCars
 - i. Only the grant-funded citations, warnings, and contacts are required to be reported.
 - ii. Agencies are encouraged to conduct public participation and engagement along with outreach and report it in the Performance Reports.
 - b. Overtime Reimbursement Claim Form – complete and submit via WebCars.
 - i. The claim must be signed by an authorizing official whose signature is verified through their individual login for WebCars.
 - ii. The overtime claim can only be signed by someone in a supervisory role who did not work the mobilization.
 - c. Payroll Register – Must be available for review upon request from OHS for the period claimed in the reimbursement claim.
 - i. Payroll verification may be computer-generated payroll registers or copies of payroll warrants.
 - ii. Timesheets must be provided and are not considered payroll verification.
 - iii. When possible, payroll verification should be coded to differentiate between OHS grant-funded overtime and other sources.
 - d. The contractor will submit a reimbursement claim and performance report within 45 days of completion of the mobilization or grant activity. **Note:** Claims received after October 15, 2027, may not be eligible for reimbursement.
 - e. No documentation, reports, or claims submitted to OHS may contain Contractor's or its employees', agents', or subcontractors' protected personally identifiable information (Protected Personal Identifiable Information).

9. Contractor will not use the funds for research and development.
10. Assurances and other grant requirements required by NHTSA for all organizations receiving federal grant funds:
 - a. Attachment 1 - Agency Certification and Assurances FFY26
 - b. Attachment 2 – Risk Assessment (information provided by the Contractor’s financial contact.)
11. Other Grant Requirements:
 - a. Unique Entity Identifier (UEI)
 - i. The General Services Administration requires federal funding recipients to have a UEI which is generated by SAM.gov, therefore recipients are to keep their registration current to ensure they receive their UEO.
 - ii. The Contractor agrees it shall maintain current registration in the System for Award Management, SAM.gov, at all times during which it has active federal awards.
 - iii. If the Contractor or its principals or affiliates is disbarred, suspended or ineligible from federal contracting, the Agreement may be terminated immediately.
 - b. Personal Identifiable Information - as noted under 2 CFR Chapter 1, Chapter II, Part 200.79, 200.82, 200.303.
 - c. Procurement of equipment and materials – equipment purchases shall be subject to requirements governing this agreement, including those for procurement of materials and leasing of equipment.
 - d. Code of Conduct – No employee, officer or agent of the Contractor shall participate in the selection, award or administration of a contract supported by grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict may arise when any of the following have a financial or other interest in the firm selected for the award:
 - i. The employee, officer, or agent.
 - ii. Any member of his or her immediate family.
 - iii. His or her partner.
 - iv. An organization which employs or is about to employ any of the above listed.

The contractor guarantees it has not entered into any form of collusion with anyone involving any form of payment, dependent upon or resulting from the award of this contract or subcontract(s).
 - e. Conferences, inspection of work, grant monitoring – conferences may be held at the request of either party to this agreement. Conferences may be held in person or by virtual meeting. A representative of OHS and/or the US Department of Transportation (DOT) can conduct an onsite visit for the purpose of inspection and/or assessment of work being performed at any time.
 - f. Travel – Grant related local vicinity travel, travel to other parts of the state, and travel outside the state must conform to state policies and procedures. Allowable reimbursements cannot be greater than those authorized for state employees and reimbursements will be made to the Contractor for grant project travel. State policy requires economical and practical modes of travel, as well as moderate dining and lodging.
 - g. Tax and compensation liability – OHS will not incur any liability for workers compensation, FICA, withholding tax, unemployment compensation, or any other payment which is not a part of the grant agreement.
 - h. Policy inclusion – to receive highway safety grant funds, OHS requires that the

Contractor have a Seat Belt Use policy in effect or implement one prior to completion of the agreement. If requested OHS, Contractor will submit their policy to OHS prior to execution of the agreement.

- i. Responsibility for claims and liability – Contractor shall be required to save and hold harmless OHS, the Idaho Transportation Department (ITD), NHTSA, Federal Highway Administration and US DOT from all claims and/or liability due to the negligent acts of the Contractor or the Contractor’s subcontractor(s), agents or employee(s).
- j. Failure to comply - with any terms of this agreement may jeopardize Contractor in receiving future funding from OHS.
- k. Eligible organizations – all non-state actors agree to indemnify, defend, and hold harmless employees of the State of Idaho, including ITD, its officers, agents, employees’ from and against any and all claims, suits, losses, damages or costs, including reasonable attorney’s fees arising from or by the use of grants.
- l. Any dispute, disagreement, or question of fact – concerning this agreement shall be decided by the OHS Highway Safety manager, (OHS HSM). The decision shall be in writing and shall be distributed to the parties concerned. If the Contractor disagrees with the decision by the OHS Highway Safety Manager, the decision may be appealed to the Director of ITD. The appeal must be made in writing within 30 days of the OHS HSM decision and served by certified mail.
- m. Agreement including attachment – constitutes the entire agreement between the parties on the subject matter hereof. There are no understanding, agreements, or representations (oral or written), not specified herein regarding this agreement, shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained.
- n. Nothing in this agreement – shall be construed as limiting or expanding the statutory or regulatory responsibilities of any agency or individual involved in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation. Each provision to this agreement is subject to the laws and regulations of the State of Idaho and the United States.
- o. Either party may terminate – this agreement upon 30 days written notice to the other party. In the event of termination of this agreement, the terminating party shall be liable for the performance rendered prior to the effective date of termination.
- p. The parent entity for this contractor – certifies that it conducts an annual audit in accordance with 2CFR part 200 Subpart F, which is available for review upon request. In addition, this contractor has no financial or compliance issues.

Reporting of First-Tier Subawards - 2 CFR Appendix-A-to-Part-170(a)

Applicability. Unless the recipient is exempt as provided in paragraph (d) of this award term, the recipient must report each subaward that equals or exceeds \$30,000 in Federal funds for a subaward to an entity or Federal agency. The recipient must also report a subaward if a modification increases the Federal funding to an amount that **equals or exceeds \$30,000**. All reported subawards should reflect the total amount of the subaward.

1. Reporting Requirements.

- (i) The recipient must report each subaward described in paragraph (a)(1) of this award term to the Federal Funding Accountability and Transparency Act at www.sam.gov Federal Assistance

- (ii) For subaward information, report no later than the end of the month following the month in which the subaward was issued. (For example, if the subaward was made on November 7, 2025, the subaward must be reported no later than December 31, 2025).

Idaho Clauses for Federal Aid and State Funded Contract Provisions

The following State and Federal Funded contract clauses apply to:

- All grants and contracts with a value over \$100,000
 - *Sub -recipients who receive more than \$100,000 in mobilizations, mini-grants, contracts, or year-long grants must comply*
- All sub-recipients/contractors with more than 10 employees
 - *Cities, Counties, or other entities with more than 10 employees must comply*

18-8703. GOVERNMENT CONTRACTS WITH ABORTION PROVIDERS OR THEIR AFFILIATES PROHIBITED. (1) The state, a county, a city, a public health district, a public school district, or any local political subdivision thereof may not enter into any contract or commercial transaction with an abortion provider or an affiliate of an abortion provider. (2) Subsection (1) of this section shall not apply to: (a) A contract or commercial transaction that is subject to a federal law related to Medicaid; or (b) A hospital, as defined in section 39-1301, Idaho Code.

Per the provisions of Idaho Code §§ 67-2346, ANTI-BOYCOTT AGAINST ISRAEL ACT, and Idaho Code §§ 67-2347A, Prohibition on Contracts with Companies Boycotting Certain Sectors the undersigned certifies that it is not currently engaged in, and will not for the duration of the contract engage in the following: • boycott of goods or services from Israel or territories under its control: or • boycott of any individual or company because the individual or company engages in or supports the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, minerals, hydroelectric power, nuclear energy, or agriculture; or • boycott of any individual or company because the individual or company engages in or support the manufacture, distribution, sale, or use of firearms, as defined in Idaho Code §18-3302(2)(d).

Idaho Code, §§ 67-2359 states “a public entity in this state may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently owned or operated by the government of China and will not for the duration of the contract be owned or operated by the government of China.” Company certifies that it is not owned or operated by the government of China.

NEW HVE MOBILIZATION PRODUCTIVITY POINT MATRIX <i>(See TEM Attachment for details)</i>			
Activity	Urban Points	Rural Points	Productivity Explanation
Traffic Contact	1	2	Rural traffic contacts often require longer travel times, greater officer discretion, and extended interaction due to lower call density and larger patrol zones.
Citation Issued	2	3	Citations in rural areas generally involve greater time commitments, longer response distances, and fewer enforcement opportunities than in urban environments.
DUI Arrest	5	5	DUI enforcement has a significant public safety impact in both urban and rural areas and requires extensive investigation, documentation, and processing.
HVE Expectation Hourly Goals: Meets – 3 points; Above- 4 points; Exceeds- 5+ points.			
<i>Points accumulated during HVE activities will be considered in future funding determinations.</i>			
FY27 MOBILIZATIONS & Mini Grants <i>(add amount requested below)</i>			
Description	Dates	Amount Requested	
Impaired Driving- Holidays	December 16-January 1	\$	
Distracted Driving- April	April 5-12	\$	
Occupant Protection- Click It Don't Risk It	May 17-June 6	\$	
Impaired Driving- July 4	June 28-July 4	\$	
Aggressive Driving- 100 Deadliest Days	July 12-July 19	\$	
Impaired Driving- Labor Day	August 13-September 5	\$	
Mini Grants Funding Offered Outside of Mobilizations <i>(Optional)</i>			
<i>Short-term projects funded through the mini-grants in Webcars</i>		Amount Requested	
DUI High Visibility Enforcement (HVE) for community events etc.		\$	
HVE, Speed Equipment, Training		\$	
SWET ECitation Equipment		\$	
DUI Equipment, Training		\$	
FY27 Traffic Training Regional Workshops <i>(Select one event)</i>			
The workshops offer training on new traffic laws, prosecution, DUI, speeding, youth, data, etc., as well as access to equipment vendors. Agencies receiving grant funding are expected to send at least one officer. All sessions are POST certified.			
0900-1500 Location	Date	How many officers will attend?	
North Idaho (Coeur d'Alene)	March 17*		
Southwest Idaho (Boise)	March 24*		
Southeast Idaho (Pocatello)	March 31*		
<i>*Dates are tentative; notices will be sent out to confirm when contracts are signed.</i>			
<i>If attendees live more than 2 hours from the location closest to their agency, contact OHS to determine if they qualify for free accommodation.</i>			

Agency Primary Contact (Required) *(Individual with signing authority for the Contractor)*

Name	
Title	
WebCar Account: Yes/No	
Phone	
Email Address	
Contractor Physical Address	
Warrant Mailing Address	
UEI <i>(Unique Entity Identifier)</i>	
*Benefit Percentage Rate for Overtime	
Parent Entity Name <i>(if applicable)</i>	

***Benefit includes FICA/Medicare, unemployment, workers' compensation, and PERSI – not more than 24%.**

Contractor Grant Manager Contact (Required) *(Individual who manages day-to-day grant activities)*

Name	
Title	
WebCar Account: Yes/No	
Phone	
Email Address	

Financial Contact (Required) *(individual responsible for financial reporting on SAM.gov.)*

Name	
Title	
WebCar Account: Yes/No	
Organization	
Phone	
Email Address	

By signing below, I certify that this organization understands and will comply with the aforementioned requirements.

Contractor's Agent

Contractor Authorizing Signature: *(Individual with legal authorization to enter into agreement with the ITD on behalf of the contractor.)*

Print Name:

Title:

Date:

State's Agent, Office of Highway Safety

Josephine Middleton, Highway Safety Manager, ITD

Date:

APPENDIX A TO PART 1300 CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS

GENERAL REQUIREMENTS

The Grantee will comply with applicable statutes and regulations, including but not limited to: 23 U.S.C. Chapter 4-Highway Safety Act of 1966, as amended. Sec. 1906, Public law 109-59, as amended by Sec. 25024, Public Law 117-58. 23 CFR Part 1300-Uniform Procedures for State Highway Safety Grant Programs. 2 CFR Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. 2 CFR Part 1201-Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The Sub-grantee will comply with FFATA guidance, *OMB Guidance on FFATA Subaward and Executive Compensation Reporting*, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

Name of the entity receiving the award.

- Amount of the award.
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source.
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action.
- o Unique entity identifier (generated by **SAM.gov**).
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received-
 - (I) 80 percent or more of its annual gross revenues in Federal awards.
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\), 78o\(d\)](#)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 ([42 U.S.C. 2000d](#) et seq., 78 stat. 252), (prohibits ++discrimination on the basis of race, color, national origin).
- [49 CFR part 21](#) (entitled Non-discrimination in Federally-Assisted Programs of the

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- Department of Transportation Education of Title VI of the Civil Rights Act of 1964).
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- Federal-Aid Highway Act of 1973, (23 USC 324 et seq.). and Title IX of the Education Amendments of 1972, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination based on sex).
- Section 504 of the Rehabilitation Act of 1973. ([29 U.S.C. 794](#) et seq.), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#).
- The Age Discrimination Act of 1975. as amended, ([42 U.S.C. 6101](#) et seq.), (prohibits discrimination on the basis of age).
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III c (the Americans with Disabilities Act ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37](#) and [38](#).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded, from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance, from DOT including NHTSA"

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (e) of [49 CFR part 21](#) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The [name of Recipient, in accordance with the provisions of Title VI of the Civil Rights Act 1964 (78 Stat. 252. 42 USC 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantage business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) With every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the

property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Sub-grantee also agrees to comply with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The sub-grantee gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Sub-grantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The grantee's policy of maintaining a drug-free workplace; Any available drug counseling, rehabilitation, and employee assistance programs.
 3. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 4. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 1. Abide by the terms of the statement.
 2. Notify the employer of any criminal drug statute conviction for a violation

- occurring in the workplace no later than five days after such conviction.
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
 - e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted-
 1. Taking appropriate personnel action against such an employee, up to and including termination.
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
 - f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The Sub-grantee will comply with provisions of the Hatch Act ([5 U.S.C. 1501-1508](#)), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this

transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (*e.g.*, "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of / [CFR parts 180 and 1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180](#) and [1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY

INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this

- transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared

ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement ([23 U.S.C. 313](#)) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST

(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential sub awardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by

NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with [Executive Order 13043](#), Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with [Executive Order 13513](#), Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Sub-grantees are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including

policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. Sub-grantees are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

I understand that my statements in support of the State’s application for Federal grant funds. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

Signature, Contractor Representative _____ Date: _____

Printed name of Contractor Representative: _____

Subrecipient Financial Risk Assessment FY27

Instructions: Subrecipient must provide information for areas in blue only.

Subrecipient Name:	Project:
	Award Period: October 1, 2026 through September 30, 2027

	Topic	Yes	No	NA	Comments
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A. Financial Information *(Information under Section A must be provided by the Financial Contact for the Subrecipient)*

1	Did the Subrecipient's Parent Entity (City or County) expend more than \$750,000 in federal funding during the previous fiscal year ? If yes , please complete Comments section to indicate whether a single audit through the Federal Audit Clearinghouse (FAC) was conducted in accordance with 2 CFR 200.514 . <i>Attach audit summary pages (if applicable).</i>				Amount of Federal Funding Expended \$ _____ Year 20 _____ Audit submitted to FAC? Yes / No Year Audit Completed : _____
2	If the Subrecipient's prior year financial audit did not have any material finding(s) that will affect ITD, check Yes. (If the answer is No, the subrecipient must indicate if/when they were resolved.) <i>Attach a copy of pages showing results and correction plan (if applicable).</i>				Findings: Yes / No Page# _____ Summary pages attached: _____ Findings Resolved: Yes/ No Date: _____
3	Subrecipient shall provide an active Unique Entity Identifier* (UEI) .				UEI # _____ Expiration Date _____
4	Unless exempt, recipient will report each subaward in paragraph (a)(1) of awards to the Federal Funding Accountability and Transparency Act (FFATA) at www.sam.gov , Federal Assistance				Subaward exceeds \$30,000 Y ___ N ___ FFATA reported through www.sam.gov Date: _____
5	Subrecipient agrees to provide timesheets and payroll verification showing overtime was paid on grant-funded activity upon request by OHS.				
6	The Subrecipient agrees to retain documentation records for grant funded activities for up to three years for monitoring by OHS.				

B. Organization & Grant Management

1	Has the subrecipient's organization remained unchanged during the previous year? (i.e. Chief, Sheriff, management staff)				
2	Is the subrecipient's grant management and accounting system the same as the previous year? If not, please explain.				
3	Subrecipient agrees to provide contact/citation activity and mileage logs upon request by OHS.				
4	Subrecipient is aware that equipment purchased through OHS grant funds must be made available for up to three years for inspection.				

Signature on original required by the Parent Entity Financial Contact

<i>The information above is accurate to the best of my knowledge.</i>	<i>*Unique Entity Identifier (UEI) is now required instead of the DUNS or CAGE numbers, the UEI is available from www.SAM.gov</i>	
Signature:	Date:	Print Name:

To be completed by The Office of Highway Safety

		Yes	No	NA	
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C. Experience

1	Does the recipient have experience with the same or similar grants?				
2	Has the subrecipient had at least three years of experience with federal grants?				
3	Did the subrecipient consistently and accurately submit their claims and reports on time?				
4	Was payroll and timesheet documentation provided upon request the previous FY? Were there any issues identified?				

TOTALS

Risk Score:

Rating Scale (Based on the number of No's)

0 - 2	Subrecipient is considered low risk.	Low Risk	Provide standard monitoring
3 - 6	Subrecipient is considered medium risk.	Medium Risk	Provide additional monitoring including training is warranted.
7 - 10	Subrecipient is considered high risk.	High Risk	Provide close monitoring, training and action if required.

General overview of Subrecipient performance:

Commendations, problems or concerns:

Corrective action necessary:

OHS Reviewer:	Date:
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COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, June 8, 2026



AGENDA ITEM TITLE

Personnel Policy Updates Resolution (ACTION ITEM) – Sharon Games

RESPONSIBLE STAFF

Sharon Games, Human Resources Manager

ADDITIONAL PRESENTER(S)

DESCRIPTION

The Human Resource Department has identified the need to make several updates to the City's adopted Personnel Policies. The proposed amendments to the policy include updates to reflect recent regulatory changes, aligning and formalizing policies with original intent and current practices, and the addition of a new policy for Artificial Intelligence. Staff will present the proposed updates for the Council's consideration.

REVIEWED BY

Legal and City Administrator

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the proposed Resolution; or provide staff with further direction.

STAFF RECOMMENDATION

Recommend approval of the proposed Resolution.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Summary of Amendments to Personnel Policies_2026
2. Resolution 2026 _ Amendments to Personnel Policy_final with attachment

Personnel Policy Updates Resolution (ACTION ITEM) – Sharon Games

The Human Resource Department has identified the need to make several updates to the City's adopted Personnel Policies. The proposed amendments to the policy include updates to reflect recent regulatory changes, aligning and formalizing policies with original intent and current practices, and the addition of a new policy for Artificial Intelligence. Staff will present the proposed updates for the Council's consideration.

PROPOSED ACTIONS: Recommend approval of the proposed Resolution; or provide staff with further direction.

Policy Section	Reason for Change
CHAPTER 2: VI. Overtime	Update language for what type of leave counts as hours worked when calculating overtime for non-exempt employees. Add language specific to Paramedic/Firefighters
CHAPTER 2: VII. Compensatory Time	There are no significant or substantive changes to this policy. The updates primarily involve restructuring, reordering and updating the content and removing repetitive language to improve clarity and ease of understanding.
CHAPTER 4: II. Performance Appraisals	For City employees in the step and grade compensation system hired after the date of adoption of this proposed policy change (current staff are grandfathered in), supervisors must complete performance evaluations annually by the employee's anniversary date.
CHAPTER 7: V. On-Call and Call-Back	The proposed updates clarify that on-call and call-back are two distinct statuses. The original policy blended these concepts, and the revisions separate them to ensure clearer understanding and consistent application. The updates also introduce a new call-back status for remote response.
CHAPTER 8: VII. Holidays	The primary updates to the policy involve expanding the explanation of how holiday compensation is applied. Specifically, the revisions clarify the distinction between pay for an actual holiday and pay for an observed holiday.
CHAPTER 8: X. Bereavement	Current Policy: <ul style="list-style-type: none"> Up to three (3) days of paid bereavement leave is available in the event... Updated Policy: <ul style="list-style-type: none"> Up to three (3) consecutive days of paid bereavement leave is available in the event...
CHAPTER 8: XX. Emergency Closures	The proposed updates to this policy clarify and define how positions are considered essential and non-essential, and they

	provide detailed guidance on how employees are compensated during an emergency closure.
CHAPTER 10: VIII. Artificial Intelligence	This is a new policy intended to provide structure, protect the integrity of City operations, and ensure that Artificial Intelligence (AI) is used thoughtfully, safely, and in a manner consistent with the City’s legal and ethical obligations.

RESOLUTION 2026-__

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE REPEAL OF RESOLUTION 2025-26 AND FOR SAID RESOLUTION TO BE REPLACED WITH THIS RESOLUTION ADOPTING AMENDMENTS TO THE CITY OF MOSCOW PERSONNEL POLICIES; PROVIDING FOR SPECIFIC AMENDMENTS TO CHAPTER 2 REGARDING OVERTIME AND COMPENSATORY TIME, CHAPTER 4 REGARDING PERFORMANCE APPRAISALS, CHAPTER 7 REGARDING ON-CALL AND CALL-BACK, CHAPTER 8 REGARDING HOLIDAYS, BEREAVEMENT LEAVE, AND EMERGENCY CLOSURES, AND THE ADDITION OF A NEW CHAPTER 10 REGARDING ARTIFICIAL INTELLIGENCE USE; AND PROVIDING THIS RESOLUTION SHALL BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the City of Moscow recognizes that its employees are a valuable resource to the citizens of Moscow; and

WHEREAS, because of the increasingly complex legal nature of federal, state, and local laws and regulations that govern the relationship between a government employer and its employees, it is in the best interest of the City and of the employees of the City to have updated written personnel policies; and

WHEREAS, the proposed updates are needed to clarify certain existing personnel policies and to establish a new policy regarding the use of artificial intelligence in the performance of job duties; and

WHEREAS, the Council believes the amendments contained herein to the Personnel Policies are appropriate and in the City's best interest to implement the proposed amendments to the Previous Personnel Policies passed by Resolution 2025-26;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow that all matters stated above are true and correct and are incorporated herein by reference as if copied in their entirety and shall be adopted with the following:

1. That the City of Moscow Personnel Policies as approved through Resolution 2025-26, be repealed in its entirety and replaced with this Resolution.
2. That any City of Moscow Resolution inconsistent with the Personnel Policy adopted herein shall be and are hereby superseded by the policy attached as Exhibit 'A'.
3. That the provisions of this Resolution and the attached Exhibit shall be deemed severable and the invalidity of any provision of this Resolution or of the attached Exhibit shall not affect the validity of the remaining provisions.
4. That this Resolution shall be effective upon its passage and approval.

PASSED on Motion by the Following Vote:

	Aye	Nay	Abstain	Absent
Scott Sumner	_____	_____	_____	_____
Sage McCetich	_____	_____	_____	_____
Bryce Blankenship	_____	_____	_____	_____
Drew Davis	_____	_____	_____	_____
Sandra Kelly	_____	_____	_____	_____
Even Holmes	_____	_____	_____	_____

ADOPTED by the City Council of the City of Moscow, Idaho and **APPROVED** by the Mayor of the City of Moscow, this _____ day of _____, 2026.

Hailey Lewis, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of the Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2026, and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk

Exhibit 'A'

City of Moscow Personnel Policies

~~Effective: October 6, 2025 Pursuant to Resolution 2025—26~~

Effective: _____, 2026 Pursuant to Resolution 2026-_____



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DRAFT

Chapter 1 – Code of Conduct

I. Workplace Expectations

The City of Moscow strives to administer fair and effective personnel policies, to require all employees to follow a code of conduct as detailed in this personnel policy which support the City's best interests, and to provide equal employment opportunities to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, compensation, discipline and termination.

A. The City's goals for employees include the following:

1. To provide equal employment opportunity and treatment regardless of race, color, religion, sex, national origin, disability, genetic information, age (40 or older), marital or familial status (including pregnancy), sexual orientation, gender, gender expression or identity, military status, or any basis prohibited by local, state, or federal law;
2. To promote a productive work environment and not to tolerate conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile work environment;
3. To provide compensation and benefits commensurate with the work performed;
4. To establish reasonable hours of work based on the City's service needs.
5. To monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety;
6. To offer training opportunities and continuing education for those whose needs, capabilities, and job position warrant such training; and
7. To establish appropriate means for employees to discuss matters of interest or concern with their immediate supervisor or manager.

B. The City expects all employees:

1. To communicate and treat the public, customers, suppliers, and each other in a professional manner;
2. To perform assigned tasks in an efficient manner;
3. To comply with the hours of work scheduled for the employee as determined by the employee's department manager or supervisor;
4. To demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and

5. To adhere to the policies adopted by the City.
- C. The City retains the sole discretion to exercise all managerial functions, consistent with these policies, including but not limited to the following:
1. To dismiss, reassign, supervise, and discipline employees;
 2. To determine and change shifts, to include the start and end of any shift;
 3. To transfer employees within departments or into other departments and other classifications;
 4. To determine and change the size and qualifications of the work force;
 5. To determine and change methods by which its operations are to be carried out;
 6. To assign duties to employees in accordance with the City's needs and requirements; and
 7. To carry out all ordinary administrative and management functions.

II. Employee Conduct

A. General Expectations.

Employees of the City of Moscow are expected to conduct themselves in a manner which does not reflect adversely upon the City. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of the City as a public institution, each employee is expected to avoid personal behaviors which would bring unfavorable public impressions of the City, its officials, and employees.

B. In order to accomplish the goals of the City, each employee shall:

1. Be prompt and regular in attendance at work or other required City functions;
2. Comply with dress standards established in the department for which the employee works. Dress standards shall be set by the supervisor, but in the absence of any department dress standards, clothing shall be appropriate for the functions performed and shall include proper grooming and a professional appearance as a reflection of how employees view their work and how the public sees employees and the City as a whole;
3. Dedicate primary efforts to the City of Moscow employment with secondary employment subject to approval. Individual department rules may provide permissible examples of "moonlighting" wherein employees may hold additional positions;

4. Avoid nepotism in appointments and working relationships with other employees in the City. No employee shall engage in conduct which violates Idaho State nepotism laws (I.C. § 18-1359, and Title 74 of Idaho Code) or City of Moscow Policy. The City believes that employment opportunities should not be influenced by family relationships. Additionally, employment of immediate family members is not allowed where one family member would have authority to influence employment decisions regarding the other, or where there is potential work-related conflict of interest between them;
5. Not accept gifts or gratuities in any personal or professional capacity which could create the impression that the giver was seeking favor from the employee or official;
6. Not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee;
7. Not release personnel information or any other public record without the express authority of the public official responsible for custody or release of the record or without an order from a court of competent jurisdiction;
8. Not engage in conduct away from work which would reasonably be expected to reflect adversely upon the employee's position with the City of Moscow;
9. Not use substances, unlawful or otherwise, which will impair the employee's ability to function as a valued and competent member of the City of Moscow work force;
10. Not engage in conduct that would suspend any licenses required for the employee's ability to perform the employee's essential job functions; and
11. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the City Council or the official or department for whom the employee works.

III. Workplace Conduct

Employees are expected to conduct themselves in the workplace in accordance with the following rules. These rules are not all-inclusive of conduct expected of City of Moscow employees and specific City Departments may have additional work place rules.

A. Each employee of the City shall:

1. Give best efforts to accomplish the work of the City of Moscow for public benefit in accordance with policies and procedures adopted by the City Council;

2. Adhere to any code of ethics in employee's profession and avoid conflicts of interest or using employee's public position for personal gain;
3. Follow all rules for care and use of public property to assure that the public investment in equipment is protected and that the safety of the public and other employees is maintained;
4. Abide by all departmental rules whether they be written or issued orally by their supervisor. No employee will be required to follow the directive of a supervisor which violates laws of any local jurisdiction, the state, or nation;
5. Abide by City of Moscow rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the responsible official. The City has a formal process by which all requests for public records must be submitted, which may change from time to time through City Council by Resolution;
6. Adhere to the defined work schedule and adhere to the procedures for requesting an exception from normal work schedules. Each employee will follow the rules regarding the reporting of work hours and the approval which must be given for pay record submittal. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties;
7. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work;
8. Follow all rules for reporting accidents on the job. Each employee will cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public;
9. Report any accidents observed to have happened on City property or involving City property or personnel. Each employee shall provide as much information as they can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need;
10. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies having authority to regulate workplace safety. Employees are encouraged to suggest ways to make the workplace or work procedures safer;

11. Maintain a current driver's license when necessary in the conduct of work for the City. Each employee is obligated to report any state-imposed driving restrictions to their immediate supervisor and to notify their supervisor in the event that their driving abilities are impaired by other than state restrictions; and

12. Perform such obligations as are necessary to carry out the work of the City in an efficient and effective manner and with limited risk to the employee, the public and fellow employees.

B. The foregoing lists are not all-inclusive.

Violation of any of the rules set forth above, in addition to the ones imposed by the employee's supervisor or the employee's department, may be grounds for disciplinary action, including termination. The rules contained in the personnel policy manual are subject to change at any time at the discretion of the City Council upon approval by Resolution, and will be available through the intranet. Employees will be notified of the changes through email and will be required to review the changes and acknowledge their understanding of the changes. The changes approved by City Council are often effective immediately, but the effective date included in the Resolution will govern.

Chapter 2 – Compensation & Benefits

I. Salary Administration

A. Nondiscriminatory and Competitive

The City provides compensation that is nondiscriminatory and which strives to be competitive in relation to the local and regional job market, while taking into consideration the City's overall financial condition and the direction given by the Mayor and Council as they determine budget appropriations every year.

B. Review

Human Resources is responsible for the internal review of compensation and ensuring that each job is evaluated and assigned the appropriate job grade. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and education, training, and licensing requirements.

C. Surveys

When considered appropriate, Human Resources will conduct and/or obtain compensation surveys to include other comparable employers with similar positions. These surveys and information will be used to set market values for each position in the City's pay structure.

D. Compensation Systems

The City of Moscow has two compensation systems the Step and Grade System (S & G) and the Actively Managed Performance System (AMPS). S & G applies to sworn law enforcement employees, AMPS applies to all other employees. Both systems are intended to compensate employees for their performance, positive contributions, knowledge and experience.

II. Employee Classification

For various reasons, employee status must be organized by classifications to administer employee policies, benefits, or otherwise address employment issues.

A. Employee Classification for Employment Status

1. All employees of the City, including part-time and temporary employees, are at-will employees, except appointed officials.
2. Appointed Officials: Officials appointed pursuant to Idaho Code § 50-204 and Moscow City Code Title 2, Chapter 3 may only be removed pursuant to Idaho Code § 50-206 and Moscow City Code Title 2, Chapter 3.

B. Employee Classification for Benefit Purposes

The classification of the position an employee holds with the City may affect the status of obligations or benefits associated with their employment. Primary classes of employees are:

1. Elected Officials

Elected Officials are not considered regular employees. Elected Officials receive salaries pursuant to Moscow City Code Title 1, Chapter 8.

2. Full-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work period consists of at least forty (40) hours per week are eligible for employee benefits provided by the City.

3. Part-Time Regular Employees

a. Employees whose employment is sustained and continuing and whose typical work period consists of more than nineteen (19) but less than forty (40) hours per week may receive benefits to vary proportionately with the number of hours typically worked for a full-time regular employee. The number of hours worked may also affect the employee's obligation to participate in specific mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

b. Employees whose employment is sustained and continuing and whose typical work period consists of nineteen (19) hours or less per week. These employees receive no benefits provided to regular employees.

4. Full- or Part-Time Temporary Employees

Employees who work on an irregular, seasonal, or temporary basis are temporary. Temporary employees receive no benefits provided to regular employees, except those required by law or authorized by the City Council.

III. Compensation

A. Establishment of Employee Compensation

Employees are compensated subject to the City Council's decisions as annual budgets are approved and, as such, are subject to increase, reduction, or remain unchanged for any time period. Final decisions regarding compensation policy rest with the City Council.

B. Compliance with State and Federal Pay Regulations

The City will comply with all state and federal pay regulations governing compensation of its employees. Information contained within this policy is reflective of U.S. Department of Labor's administration of FLSA (<https://www.dol.gov/agencies/whd/flsa>).

C. Right to Change Compensation and Benefits

The City may change compensation for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent city budget. Hours worked may be reduced, or employees may be laid off as necessary to meet budgetary constraints or as work needs change.

IV. Health Benefits

The City will provide its employees with the opportunity to participate in health-related benefit programs, which includes medical, dental, and vision. The City also has various voluntary programs that may be available to employees and that may change based on demand and what is available from the City's providers. Information and explanations of the various benefit plans that employees are eligible to participate in will be furnished to all plan participants on a timely and continuing basis by Human Resources. The City reserves the right to modify, amend, or terminate its benefits at any time in accordance with all federal and state regulations.

A. Health Benefit Coverage by Employee Classification

1. Elected Officials

Elected officials are not eligible to receive health benefits.

2. Full-Time Regular Employees

a. The City shall provide full coverage for medical, dental, and vision for the employee at no cost for the base plan. If an employee selects an enhanced plan, the employee shall be required to pay the difference in cost above the base plan.

b. The City shall pay a percentage, not less than 50%, of their eligible dependent(s) premium for medical, dental, and vision coverage for the base plan. This percentage will be approved by the City Council prior to open enrollment of each new benefit plan year. The employee shall be responsible for the remainder of the eligible dependent(s) premium. If an employee selects an enhanced plan, the employee shall be responsible for any additional dependent(s) premium cost above the base plan.

- c. When both benefit-eligible parents are employed by the City, the City will provide full coverage for medical, dental and vision for both employees and their eligible dependent(s) at no cost for the base plan. If the employee(s) select an enhanced plan, the employee(s) shall be responsible for any additional cost above the base plan.

3. Part-Time Regular Employees

- a. Part-time employees who consistently work more than thirty (30) hours per week shall be eligible to receive full coverage for medical, dental, and vision in the same manner as a full-time regular employee as described herein, including coverage for their dependent(s).
- b. Part-time employees who work less than thirty (30) hours per week are not eligible to receive health benefits.

4. Full or Part-Time Temporary and Seasonal Employees

Full or part-time temporary and seasonal employees are not eligible to receive health benefits.

B. Enrollment

1. New Benefit-Eligible Employees

Insurance coverage generally becomes effective on the first day of the calendar month following the first date of work.

2. Annual Open Enrollment

Benefit Eligible employees have the opportunity to make changes to benefit elections annually at open enrollment. Human Resources will notify employees of the open enrollment period. Employees will only be permitted to make changes during the open enrollment, absent the occurrence of a qualifying life event.

3. Qualifying Life Event

Employees (and covered dependents) who would otherwise lose or gain health coverage because of a qualifying “life event” as defined by the benefit provider may be eligible to enroll in, or make changes to, the City’s benefits outside the open enrollment period. Qualifying life events are circumstances that can significantly impact your personal and financial situation and may include, but are not limited to; getting married, getting divorced, birth of a baby or adopting a child, the death of a spouse, termination of employment, and loss of dependent status, and are eligible to continue coverage under terms established by federal law known as COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985).

4. Retiree and Termination of Employment Coverage

Eligible employees who retire or terminate employment from the City may be able to continue medical, dental, and vision benefit coverage through COBRA. COBRA information is provided separately and at the time of separation. Employees may contact Human Resources for COBRA-related information.

C. Eligible Dependents

1. Spouse: A person to whom the employee is legally married.
2. Domestic Partner (Affidavit Required) who meets the following criteria:
 - a. 18 years of age or older;
 - b. Share a close personal relationship and are each other's sole domestic partner;
 - c. Responsible for each other's common welfare;
 - d. Not legally married to anyone else;
 - e. Not related by blood closer than would bar marriage in state of residence;
 - f. Currently shares same and regular permanent residence and intend to do so indefinitely; and
 - g. Jointly share financial responsibility for "basic living expenses" including cost of food, shelter, and other costs such as medical expenses.
3. Children: Employee's (or spouse's/domestic partner's) child who is under the age 26 and who meets the following criteria:
 - a. Employee's (or spouse's/domestic partner's) natural child, stepchild, adopted child or child legally placed with the employee (or spouse/domestic partner) for adoption;
 - b. A child for whom the employee (or employee's spouse/domestic partner) has court-appointed legal guardianship; or
 - c. A child for whom the employee (or employee's spouse/domestic partner) are required to provide coverage by a legal qualified medical child support order (QMCSO).
4. Employee's (or spouse's/domestic partner's) child who is age 26 or over and incapable of self-support because of intellectual disability or physical handicap that began before their 26th birthday. Employee must complete and submit an affidavit of dependent eligibility form, with written evidence of the child's incapacity, within 31 days of the child's 26th birthday, or employee's insurance

effective date, whichever occurs later, and where either: the child is an eligible enrolled child before their 26th birthday; or, the child's 26th birthday preceded the employee's effective date and the child has been continuously covered as the employee's dependent on group coverage since that birthday.

V. Retirement Benefits

Employees become a PERSI member when they work in an eligible position with a PERSI employer. When an employee earns sixty (60) months of service credit, they will be vested to receive a lifetime benefit at retirement. The sixty (60) month vesting period (five (5) months for elected and some appointed officials) does not need to be with the same PERSI employer. Unless an employee leaves public employment altogether, changing jobs should not affect their PERSI membership.

A. Enrollment in the PERSI Base Plan is automatic.

Pursuant to Idaho law, employees automatically become a member of PERSI and eligible for the Base Plan if:

1. Employer belongs to PERSI; and
2. Employment is for 5 consecutive months or more; and
3. Employee normally works 20 hours or more per week; and
4. An elected or appointed official serving on a board, council, or commission who receives a salary or honorarium for services performed, even though you receive a nominal salary and do not normally work 20 hours or more per week.

B. Those NOT eligible to join PERSI include:

1. Independent contractors;
2. Employee is provided employment in a public program benefiting themselves;
3. Inmates of a state correctional institution;
4. Student at a state college or university, and employed at the same school where the employment depends on maintaining student status;
5. Employee is making contributions to the U.S. Civil Service Commission under the U.S. Civil Service System Retirement Act; and
6. Seasonal employees whose employment depends on weather and growing seasons with less than 8 months of service.

C. PERSI Contributions and Regulations

1. Employee contributions are made by the employee and employer contributions are made by the City through the payroll process on a percentage of salary determined by PERSI.
2. Regulations pertaining to PERSI are pursuant to Idaho Code Title 59, Chapter 13 and IDAPA 59.
3. Additional information may be obtained by visiting the official website: persi.idaho.gov

VI. Overtime

It is the policy of the City to limit overtime work. When overtime is necessary and consistent with the protection of the lives and property of the citizens of Moscow and the efficient operation of the various Departments, such overtime may be authorized by the employee's supervisor but shall be kept to a minimum. Prior authorization by the employee's supervisor is required before overtime can be incurred. Supervisors are responsible for ensuring that overtime hours are kept to a minimum. The supervisor has the discretion, in situations where an employee works more hours than their regular work schedule in any given day, to adjust the employee's hours for the rest of the work period to avoid overtime whenever possible.

The City follows the federal overtime provisions ~~contained~~ as outlined in the Fair Labor Standards Act (FLSA) and as amended. All employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with FLSA. Unless classified as exempt, employees covered by the Act must receive overtime pay in accordance with the provisions of applicable wage and hour laws and as detailed in Chapter 2 Section VI.B Overtime Eligibility. Overtime shall be compensated at a rate of one and one-half (1 ½) times the regular hourly rate. Time worked on Saturdays, Sundays, or regular days of rest, are compensated at the regular hourly rate unless overtime is worked on such days.

A. Exempt and Non-Exempt Employees

1. Exempt Employees - Employees who are exempt from the overtime provisions of the FLSA. These employees are paid based on a salary commensurate with their job functions and meet the requirements of an exempt employee per the FLSA. Exempt employees generally receive the same weekly or bi-weekly salary regardless of the exact number of hours worked during the position-specific work period.
2. Non-Exempt Employees - Employees who are subject to the minimum wage and overtime pay provisions of the FLSA. These employees are paid based on an hourly rate and based on the hours worked.

B. Overtime Eligibility

1. Overtime shall be defined as any time worked beyond the regular hours designated in the work period as indicated below:
 - a. Non-public safety personnel: Overtime for non-public safety personnel is defined as any time worked beyond forty (40) hours per work week.
 - b. Public Safety Personnel (Sworn Law Enforcement and Fire Protection Personnel as defined in Idaho Administrative Code 59.01.01.200) Overtime for sworn law enforcement and fire personnel is defined as any hourtime worked beyond eighty (80) hours per pay period.
 - c. Paramedic/Firefighters shall be paid threshold pay for hours worked in excess of one hundred and six (106) hours worked in a fourteen (14) day work period. The threshold rate shall be calculated by dividing the annual salary by Two Thousand, ~~Seven Hundred Fifty Six~~Nine Hundred Twelve (2,912756) and then dividing the results by two (2).
 - e.d. Paramedic/Firefighters shall receive overtime compensation for hours worked beyond their regularly scheduled hours within fourteen (14) day work period.
2. Overtime pay earned in a particular workweek or work period must be paid on the regular payday for the pay period in which the wages were earned. The amount of overtime pay due to an employee is based on the employee's regular rate of pay and the number of hours worked in a work period as defined in this policy document.
3. Approved vacation leave and sick leave shall be counted as hours worked for overtime purposes for all non-exempt employees.
4. Holiday pay will be counted as hours worked for overtime purposes for non-exempt law enforcement and fire protection personnel only.
- ~~3. It is the policy of the City to limit overtime work. When overtime is necessary and consistent with the protection of the lives and property of the citizens of Moscow and the efficient operation of the various Departments, such overtime may be authorized by the employee's supervisor but shall be kept at a minimum. Prior authorization by the employee's supervisor is required before overtime can be incurred. Supervisors are responsible for ensuring that overtime hours are kept to a minimum. The supervisor has the discretion, in situations where an employee works more hours than their regular work schedule in any given day, to adjust the employee's hours for the rest of the work period to avoid overtime whenever possible.~~
- ~~4. Non-exempt, sworn law enforcement and fire protection personnel who are assigned to shifts, but use hours charged to sick leave, vacation leave, compensatory time or a City-designated holiday WILL be counted as hours worked for overtime purposes. For all other employees, holiday pay WILL~~

~~NOT be counted when calculating the number of hours worked during a forty (40) hour pay period.~~

5. The City will allow the ~~accumulation~~earning of compensatory time instead of overtime pay at a rate of one and one-half (1½) hours for each hour worked in excess of the defined work period as detailed in Chapter 2, Section VII. Compensatory Time.

VII. Compensatory Time

A. Compensatory Time

1. Compensatory time ~~is~~are hours of leave that are earned in lieu of taking overtime pay. Compensatory time may be earned whenever required by a supervisor or when requested by an employee with a supervisor's approval. Compensatory time is earned at the rate of one and one-half (1½) hours of leave per hour of work performed that would otherwise qualify for overtime pay.
- ~~1.2.~~2. The City will allow the accumulation of compensatory time in lieu of overtime pay in an amount not to exceed eighty (80) hours at any time.
- ~~2.3.~~3. The use of compensatory time should be requested at a minimum of forty-eight (48) hours in advance and approved by the supervisor or manager. The minimum notice requirement may be altered on a case by case basis at the discretion of the supervisor or manager. The use of ~~earned~~accrued compensatory ~~leavetime~~ depends upon the department's ability to effectively operate during an employee's requested absence. Every effort will be made to permit an employee to use accrued compensatory ~~leavetime~~ on the date requested unless doing so would unduly disrupt the operations of the department.
- ~~3.1.~~3. ~~If repeated requests to use compensatory time are unable to be scheduled and reasonable opportunities to use such time are unavailable, an employee's accrued compensatory time will be paid via the payroll process. In the event the supervisor or employee feel repeated requests for time off have not been met or are not able to be accommodated, a request for such payout is to be directed to Human Resources for review.~~
4. Compensatory time earned in a pay period may not also be used within that same pay period.
5. ~~University Special Events overtime shall not be taken in compensatory time, pursuant to the City's Contract with the University of Idaho.~~ If repeated requests to use compensatory time are unable to be scheduled and reasonable opportunities to use such time are unavailable, an employee's accrued compensatory time will be paid via the payroll process. In the event the supervisor or employee feel repeated requests for time off have not been met or

are not able to be accommodated, a request for such payout is to be directed to Human Resources for review.

~~4.~~

~~5. Earning and using compensatory time must be pre-approved by the immediate supervisor.~~

B. Compensatory Pay

1. When an employee ~~selects~~selects to receive compensatory time in lieu of overtime pay, a later request to convert the compensatory time back to pay will not be permitted, except in situations where the employee has requested to use compensatory time that was not approved and reasonable opportunities to use ~~such~~the time were not available.
2. Employees will be paid out for all accrued compensatory time upon their termination of employment.

VIII. Educational Assistance

- A. The City recognizes the need for employees to continually grow and enhance their skills and knowledge. Regular full-time employees with at least one (1) year of service may be eligible to be reimbursed for expenses relating to tuition for work-related classes. An employee who meets the eligibility criteria is not guaranteed educational assistance. Programs must be reviewed by the employee's supervisor and approved by the City Administrator prior to registration.
- B. A passing grade must be achieved to qualify for reimbursement. Transcripts and receipts must be submitted to Human Resources within sixty (60) days following the completion of the course to receive reimbursement. At the discretion of the City Administrator, tuition may be paid by the City prior to taking the class.
 1. Recognizing the constraints of budgetary resources, the number of employees approved for educational assistance shall be limited at the discretion of the City Administrator.
 2. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the full amount of the costs of education incurred up to the date of termination.
 3. Employees who, prior to completing the approved course, voluntarily leave the City or are terminated for reasons other than those listed above will not be reimbursed for the expenses associated with the course. If tuition was paid in advance by the City, reimbursement will be made to the City by deduction from the employee's final pay check, or if insufficient funds are available in the employee's last pay check, employee will be required to reimburse City for its contribution to the tuition paid.

4. Employees seeking reimbursement for educational expenses must agree in writing to repay the City in full for all tuition expenses reimbursed by the City if the employee leaves the City voluntarily or is terminated within one (1) year from the date of reimbursement. Reimbursement to the City will be made by deduction from the employee's final pay check, or if insufficient funds are available in the employee's last pay check, employee will be required to reimburse City for its contribution to the educational assistance expenses.
5. Employees are expected to schedule class attendance and the completion of study assignments outside of the employee's regular working hours. If it is necessary to schedule a class during normal working hours, the employee and their supervisor will mutually agree on a plan to make up the lost work time. Make-up time will not be counted for overtime purposes unless actual hours worked exceed forty (40) during the work week. It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance and termination of employment.
6. Records of all educational programs completed by each employee will be maintained by Human Resources.
7. In keeping with IRS guidelines any educational assistance amounts paid on the behalf of any employee greater than the currently adopted IRS amount will be subject to tax and will be reported as such on the employees W2.

Chapter 3 – Hiring

I. Equal Employment Opportunity

- A. All selection of employees and all employment decisions, including hiring, classification, transfer, discipline, and discharge, will be made without regard to race, color, religion, sex, gender, sexual orientation, gender expression or identity, age, marital or familial status (including pregnancy), national origin, or non-job-related physical or mental disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.
- B. The City will also endeavor to make reasonable accommodations for its employees' religious needs and practices, including those related to appearance and observance of holidays. The law requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause a burden that is substantial in the overall context of the City's business. An employee should advise either the manager, supervisor, or Human Resources if they require accommodation for religious reasons.
- C. Any concerns regarding hiring or other employment practices should be brought to Human Resources or City Administrator's attention. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

II. Americans With Disabilities Act

The law requires that the City provide reasonable accommodation to an employee with a disability, unless doing so would cause significant difficulty or expense for the employer. Americans with Disabilities Act of 1990, 42 USC 12101, et seq. A reasonable accommodation is any change in the workplace (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. The City will endeavor to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. An employee should advise the manager, supervisor, or Human Resources if they require an accommodation to enable the employee to perform the job's essential tasks.

III. Veteran's Preference and Rights

- A. The City will grant a preference to individuals eligible for preference pursuant to Idaho Code § 65-503. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be selected.

- B. The City will comply with the reemployment, leave of absence, and other provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 USC. § 4301, et seq. and Idaho Code § 65-508.

IV. Nepotism/Hiring of Relative

- A. No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. Title 74, Chapter 4, Idaho Code §18-1359 and their successors. Any employment made in violation of these sections may be void.
- B. The appointment or employment of the following persons is expressly prohibited:
 - 1. No person related to the Mayor or a City Council member by blood or marriage within the second degree shall be appointed to any compensated office, position, employment or duty (I.C. § 18-1359(3)); and
 - 2. No public servant, including Elected Officials and employees, shall appoint or vote for the appointment of any person related to them by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and no one related to an applicant within the second degree by affinity (blood) can take part in the hiring process (I.C. § 18-1359(1)(e)).
- C. An employee whose relative is subsequently elected may be eligible to retain employee's position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions as allowed by relevant provisions of Idaho law, including I.C. § 18-1359(5).
- D. A relative of an employee will be considered for employment by the City if the applicant possesses all the qualifications for employment. However, a relative will not be hired if the employment would:
 - 1. Create either a direct or indirect supervisor/subordinate relationship with the relative; or
 - 2. Create either an actual conflict of interest or the appearance of a conflict of interest as determined by Human Resources or when the conflict may involve Human Resources staff, as determined by the City Administrator.
- E. Employees who marry another employee or become members of the same household as another employee may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees.
- F. These criteria will also be considered when assigning, transferring, or promoting an employee.

G. For the purpose of this policy, the definitions that apply to this section are as follows:

1. *Child* – A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis" by providing day-to-day care and/or financial support. For FMLA leave for adoption, foster care or a family member with a severe health condition, the child must either be under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of mental or physical disability as defined by the ADA. For FMLA leave due to birth and care of a newborn child, the child must be under twelve (12) months of age.
2. *Domestic Partner* – As defined in Resolution 2007-31; Each are eighteen (18) years of age or older; share a close personal relationship and are each other's sole domestic partner; are responsible for each other's common welfare; are not legally married to anyone else nor has either had a domestic partner within thirty (30) days immediately prior to completing the application for enrollment to qualify as domestic partners; are not related by blood closer than would bar marriage in Idaho; share the same regular, and permanent residence and each intends to continue to do so indefinitely; jointly share financial responsibility for basic living expenses, including, but not limited to, the cost of food, shelter, and other costs such as medical expenses.
3. *Household* – The spouse and dependent children of the elected official or employee and/or persons whom the elected official or employee is legally obligated to support (I.C. § 74-403(7)). Reside in the same home and are responsible for each other's common welfare, share the same regular and permanent residence, and each intends to continue to do so indefinitely; jointly share financial responsibility for basic living expenses, including, but not limited to, the cost of food, shelter, and other costs such as medical expenses.
4. *Immediate Family Member* – A spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.
5. *Parent* – A biological, adoptive, step or foster parent, or another person who stood "in loco parentis" to the eligible employee when the employee was a child by providing day-to-day care and financial support. The term does not include parent-in-law.
6. *Relative* - Related to Elected official/employee by blood or marriage within the second degree (I.C. 18-1361A). A relative of the second degree includes an aunt, uncle, grandparent, grandchild, niece, nephew, and first cousin.
7. *Spouse* - A husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides.

V. Promotion & Transfer

- A. Qualified City employees may be given preference over outside applicants to fill vacancies in the workforce without following the notice and selection procedures customarily required for hiring new employees. The City of Moscow strives to provide training and development for employees and to offer employees promotions to higher-level positions when appropriate and as the position and funding becomes available. Promotions are encouraged, and supervisors may first consider current employees with the necessary qualifications and skills to fill vacancies unless external recruitment is considered to be in the City's best interest.
- B. The requirements for the new position determine an employee's basic eligibility for promotion or transfer. To be eligible for a promotion or transfer, employees must meet the new position requirements, have a satisfactory performance record, and have no adverse disciplinary actions during the same six-month period. Employees may not request transfers for positions that are not currently open. Promoted and transferred employees are subject to the provisions of the INTRODUCTORY PERIOD policy and are subject to all requirements of the new position.

VI. Re-Employment of Former Employees

Former employees who left the City in good standing may be considered for re-employment. Former employees who resigned without written notice or were dismissed for disciplinary reasons may not be considered for re-employment. A former employee who is re-employed is considered a new employee from the date of re-employment unless the break in service is less than thirty days, in which case the employee will retain accumulated seniority. The length of service for the purposes of benefits is governed by the terms of each benefit plan.

Chapter 4 - Performance Evaluation

I. Introductory Period

All new employees, and all present employees transferred or promoted to a new job, are to be carefully monitored and evaluated for an initial introductory period. After satisfactory completion of the introductory period, those employees will be evaluated as provided for in the PERFORMANCE APPRAISALS section.

- A. Unless otherwise specified within the job offer letter or other documentation, the introductory period shall last six (6) months from the date of hire. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or conduct are to be brought to the employee's attention for correction prior to the end of the introductory period.
- B. The introductory period for police officers may last up to twelve (12) months from the date of hire and is dependent on the successful completion of the Moscow Police Department Field Training and Evaluation Program and achieving the state of Idaho basic Peace Officer Standards and Training (POST) certification.
- C. The introductory period for paramedic/firefighters shall last twelve (12) months from the date of hire.
- D. Supervisors will prepare a written evaluation of the employee's job performance prior to the end of the introductory period. The evaluation shall include a recommendation as to whether the employee should continue in the position or whether the introductory period should be extended as described below. Copies of the evaluation shall be forwarded to the department manager/supervisor and Human Resources for inclusion in the employee's personnel file.
- E. Employees will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their introductory period, and their supervisor's endorsement to continue in the job.
- F. Employees who do not receive a satisfactory evaluation and endorsement may have their introductory period extended by up to an additional six (6) months to demonstrate their ability to do the job if the supervisor feels additional time is warranted in order to achieve acceptable job performance. The introductory period may also be extended by the number of workdays missed because of an excused absence or other circumstances that necessitate extending the introductory period. Employees will be provided notification of the extension of the introductory period in writing.
- G. Supervisors may recommend the termination of an employee at any time during their introductory period. A recommendation for termination should be submitted in writing to Human Resources for review and should include an evaluation and a

listing of actions taken to assist the employee. Employees will not be entitled to the appeal process during their introductory period.

H.A. Transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

II. Performance Appraisals

A. Job performance of each employee should be evaluated regularly by the employee's supervisor. Supervisors should complete performance appraisals upon the following occasions:

1. At the conclusion of their introductory period; and

2. Annually prior to the start of the following calendar year in accordance with evaluation schedules published each year

2.3. For public safety employees in the step and grade compensation system hired after the date of adoption of this policy, supervisors must complete performance appraisals annually by the employee's anniversary date. For the purposes of law enforcement personnel, their anniversary date shall be the date that they advance from the Entry Step to Step A, or for laterals, when they complete the Field Training Officer program.

B. In addition to scheduled appraisals, supervisors should discuss with employees any performance issues that warrant attention as they arise and should keep records of any significant incidents, which includes actions taken by the supervisor to address the performance issues or matters of concern.

C. Performance Appraisal Guidelines:

1. In evaluating employees, supervisors should consider such factors as the experience and training provided to the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include, but are not limited to, knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, acceptance of responsibility, and adherence to City policies and procedures.

2. In completing evaluations, supervisors should prepare a written appraisal of each employee's job performance. Such an appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and agreed upon performance goals for the next evaluation period if appropriate.

3. The supervisor's manager should review each supervisor's written evaluation to help assure that the evaluation has been properly completed in as fair and

objective a manner as possible prior to the supervisor discussing the evaluation with the employee.

4. The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation.
5. Employees may add written comments to their performance appraisal and may request a review by their supervisors' manager or Human Resources.
6. Information derived from the performance appraisal may be considered when making decisions affecting an employee including, but not limited to, training needs and opportunities, pay, promotion, transfer, or continued employment.
7. The final evaluation should then be forwarded to Human Resources for review and inclusion in the employee's personnel file.

Chapter 5 - Legal Requirements

I. Unlawful Workplace Discrimination, Harassment and Retaliation

A. Overview

The City strives to maintain a supportive and civil workplace – one in which employees treat each other with respect and dignity. In keeping with these values, the City promotes equal employment opportunities and prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation. The following defined terms are applicable to this section:

1. Legally protected class means a personal characteristic that is protected by law. Title VII of the US Civil Rights Act of 1964 includes the following protected classes, race, color, national origin, religion, sex (including pregnancy, sexual orientation and gender identity), age (40 and older), disability, or any other characteristic protected by law.
2. Participation in the workplace includes all aspects of being an employee at the City, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

B. Workplace Discrimination

1. Workplace discrimination is disparate treatment of an individual as a result of their membership in a legally protected class with respect to their participation in the workplace. Adverse employment actions usually involve decisions made by supervisors, managers, or Elected Officials that affect the workplace status and benefits of employees.
2. Illegal adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to their age, not promoting an employee due to their religious beliefs, denying an employee a raise due to their race, disciplining an employee more harshly than others due to their sex, and terminating an employee due to their national origin.

C. Workplace Harassment

1. Workplace harassment is unwelcome conduct that is directed to anyone in the workplace that interferes with their participation in the workplace. The offensive conduct must be severe or recurring such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive.

2. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

D.A. Workplace Sexual Harassment

1. Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here. Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature such that it creates a hostile or offensive work environment.
2. Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression. Sexual harassment is unlawful whether it involves co-workers, supervisors, managers, Elected Officials, or customers of the City. Sexual harassment may include, but is not limited to:
 - a. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;
 - b. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
 - c. Verbal or non-verbal unwanted sexual advances or propositions;
 - d. Threatening or making reprisals after a negative response to sexual advances;
 - e. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
 - f. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
 - g. Physical interference with normal work or movement including impeding or blocking movement.

E.B. Hostile Work Environment

Pursuant to the Idaho Human Rights Act (IHRA), in order to show that a work environment is sufficiently hostile, a plaintiff must show the occurrence of numerous improper acts which establish a pattern of conduct sufficiently severe or pervasive to alter the conditions of employment. *Patterson v. State Department of Health & Welfare*, 151 Idaho 310 (2011).

The standard to prove a hostile environment under the Idaho Human Rights Act (IHRA) is that the environment is both subjectively and objectively perceived as hostile based on a totality of the circumstances.

F.C. Workplace Retaliation

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation or refusing to follow orders that would result in discrimination or harassment. Retaliation can result from employment action taken by a supervisor, manager, Elected Official or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

G.D. Reporting Process

1. The City encourages employees to report any perceived incident of harassment, discrimination or retaliation to which they have been subjected or have witnessed, regardless of the offender's identity or position. Employees, if comfortable doing so, may advise the offender that their behavior is unwelcome and request that it be discontinued immediately. This action alone may stop the behavior which is in process, and may thereby resolve the immediate situation. Of course, the employee may prefer to disengage from the situation and pursue the matter through the City's reporting procedure and is encouraged to do so.
2. The following steps must be followed to report and for the City to then investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.
 - a. An employee who believes they have been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be considered unlawful discrimination, harassment or retaliation, should report it to their supervisor, manager, Human Resources, City Administrator, or City Attorney as soon as possible after the observed or experienced incident.
 - b. The individual receiving the report must then forward it to Human Resources. If Human Resources is the subject of the complaint, the report must then be forwarded to the City Attorney.
 - c. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.

- d. Human Resources/City Attorney (whoever initially received the complaint) should promptly review the complaint and consult with the City Attorney (or the City Attorney should promptly review the complaint and consult with the City Administrator).
- e. In appropriate circumstances, the employee who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending the investigation into the allegations, such determination is made by the City Administrator.
- f. Human Resources, in consultation with the City Attorney (or City Attorney in consultation with the City Administrator), will engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
- g. The investigator will interview the complainant, the employee alleged to have committed the offense(s), and any relevant witnesses.
- h. At the conclusion of the investigation, the investigator will submit a report of the findings to Human Resources (or City Attorney), who will then route it as appropriate.
 - i. Human Resources (or City Attorney) and/or the appropriate supervisors and legal counsel for the City will meet separately with both the complainant and the employee alleged to have committed the offense(s) to notify them in person of the findings of the investigation.
 - ii. The complainant and the employee alleged to have committed the offense(s) may submit written statements to Human Resources (or City Attorney) and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than 5 working days after the meeting in which the findings of the investigation are discussed.
- i. After Human Resources (or City Attorney) and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the City, a decision will be made as to what action, if any, should be taken by the City Administrator.
- j. At the conclusion of this complaint procedure:
 - i. The accused will be informed as to the disciplinary action, if any is determined to be needed.
 - ii. The complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

3. Any retaliation against an individual for reporting harassment, discrimination or hostile work environment or for participating in an investigation of a claim related to any of the such, is serious and, like the act of harassment, discrimination or hostile work environment itself, will be subject to an investigation and possible disciplinary action. Acts of retaliation should be reported promptly.

H.E. Disciplinary Action

If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the City. The action will depend on the following factors:

1. The severity, frequency and pervasiveness of the conduct;
2. The conduct of the respective employees;
3. Prior complaints made against the employee alleged to have committed the offense; and
4. The quality of the evidence (first-hand knowledge, credible corroboration etc.).

If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

I.F. Confidentiality

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The City's insurer may also be engaged to assist in any or all phases of any proceeding or investigation.

II. Drug-Free Workplace Policy

A. Expectations

1. The City recognizes alcohol and drug abuse as potential health, safety and security problems. The City expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or termination.
2. All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other

intoxicants, as well as the misuse of prescription drugs on City premises or at any time and any place during working hours. While we cannot control the behavior of employees off the premises on their own time, we certainly encourage employees to behave responsibly and appropriately at all times. All employees are required to report to their jobs in an appropriate mental and physical condition, ready to work.

3.1. Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. Employees may inform their immediate supervisor, manager, or the Human Resources Office for assistance in seeking help, including possible coverage under the City's medical insurance plan to address substance abuse. When work performance is negatively impacted by an employee's substance use, the employee's admission to or use of a treatment or other program does not preclude appropriate disciplinary action by the City, which may include termination.

B.A. Reasonable Suspicion Test

1. Behavior exhibited by an employee that causes reasonable suspicion to believe an employee may be under the influence of alcohol, drugs or other intoxicating substances should be reported immediately to a supervisor. Supervisors should then immediately report to Human Resources or designee. Human Resources or designee, together with the supervisor, will determine whether the employee should be examined by a physician or clinic and whether or not the employee should be tested for drugs, alcohol, and/or any other intoxicating substances (reasonable suspicion test).
2. Employees believed to be under the influence of drugs, narcotics, alcohol, or any intoxicating substance will be required to leave the premises. Human Resources or supervisor will arrange safe transit for any employee who is required to leave. Employee will be required to utilize sick leave or vacation leave for this time away from work.

C.B. Drug Testing

1. Pre-employment: Only Police Officers and employees filling positions requiring a commercial driver's license and subject to Federal Department of Transportation regulations are required to complete pre-employment drug and alcohol tests.
2. Random: No drivers other than CDL holders will be randomly tested for drugs, alcohol, or other intoxicating substances.
3. Reasonable Suspicion: Drug and alcohol tests may be conducted on any employee where there is a reasonable suspicion that the employee is impaired by drugs, alcohol, or other intoxicating substances. The basis of suspicion

indicating drug or alcohol impairment may be a specific contemporaneous event or conduct evidencing impairment observed over a period of time.

4. Post-Accident Testing:

An employee who is operating a City vehicle or is driving their personal vehicle while conducting official city business and is involved in a motor vehicle accident must notify the City of the accident as quickly as possible. Employees must comply with any drug and alcohol testing requirement based on the nature of the accident and as follows:

- a. When the accident occurs on public or private roadways or private property – a post-accident drug and alcohol test is required if one of the following conditions are met:
 - i. If the accident involved the loss of human life or any bodily injury to any person involved in the accident;
 - ii. If the accident results in one or more motor vehicles incurring disabling damage as a result of the accident. Disabling damage is defined as the motor vehicle needing to be transported away from the scene by a tow truck or other motor vehicle due to the damage sustained from the accident.
 - iii. If the accident results in damage to public or private property estimated at \$2,500 or more by the employee's supervisor or designee.
 - iv. If the supervisor or designee has reasonable suspicion that the employee is impaired by drugs, alcohol, or other intoxicating substances.
- b. When the accident occurs on City property – the supervisor shall determine if a post-accident drug or alcohol test is required.
- c. When a post-accident test is required, alcohol testing must be performed within two (2) hours of the accident, and drug testing must be performed within thirty-two (32) hours of the accident. Any employee required to be tested under this section must remain readily available for such testing and such employee may not consume drugs, alcohol, and/or an intoxicating substance within thirty-two (32) hours post-accident.
- d. An employee who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports that would indicate the presence, or lack thereof, of drugs, alcohol, and/or other intoxicating substances in such driver's system at the time of the incident.

5. Refusal to Test:

Federal regulations and standards established by the U.S. Department of Transportation and standards established by the U.S. Department of Transportation prohibit CDL license holders from refusing a test. The following are some examples of conduct that the regulations define as refusing a test:

- a. Failing to appear for any test after you were directed to do so by the City.
- b. Failing to remain at the testing site until the testing process is completed.
- c. Failing to provide a urine or breath sample.
- d. Failing to permit the observation or monitoring of your providing a urine specimen.
- e. Failing to provide a sufficient urine or breath sample (when it has been determined through the required medical evaluation that there was not adequate medical explanation for the failure).
- f. Failing to take a second test when directed to do so.
- g. Failing to cooperate with any part of the testing process, including but not limited to:
 - i. Refusing to empty your pockets
 - ii. Behaving in a confrontational manner with the collector
- h. Failing to wash your hands when directed to do so.
- i. Failing to obtain a medical evaluation as part of a “shy bladder” or “shy lung” procedure.
- j. Failing to sign Step 2 of the Alcohol Test Form.
- k. Providing a urine specimen that is verified as adulterated or substituted.
- l. Failing to follow the observer’s instructions during a directly observed urine collection.
- m. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process
- n. Admitting to the collector or MRO that you adulterated or substituted a specimen.

6. Consequences of a Refusal to Test:

A determination of refusal to test has the same consequences as those who receive a positive test. CDL employees who refuse to submit to a test will be subject to discipline, up to and including termination.

D.C. Counseling

1. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request or be required to seek counseling help. City-sponsored or required counseling will be kept confidential and will not have any influence on performance appraisals. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.
2. Any employee who is abusing drugs, alcohol, and/or other intoxicating substances may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to Human Resources that the employee is capable of performing their job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other City policies.
3. Employees who violate this policy will be subject to the Employee Discipline Policy.

E.D. Commercial Drivers Licenses

1. Employees whose jobs require a valid Commercial Driver's License (CDL) license must keep their license on their person at all times when working. Employees who are at work without their CDL license will be sent home and/or will be subject to disciplinary action.
2. Employees must notify their supervisor and Human Resources immediately if there has been any action taken against their license for any traffic violations (except parking), including but not limited to suspension, revocation, cancellations or if you are disqualified from CDL driving. The requirement to report is required no matter what type of vehicle you were driving when the action against the employee's license occurred. The U.S. Department of Transportation's Federal Motor Carrier Safety Administration passed The Omnibus Transportation Act, which was intended to create an alcohol and controlled substance free transportation industry. The controlled substance and alcohol testing that is conducted under this act is called Federal or DOT (Department of Transportation) testing. Where there are differences in the requirements under the Omnibus Transportation Act and this policy, the Act takes precedence.
3. Effective January 6, 2020 the U.S. Department of Transportation established the Federal Motor Carrier Safety Administration Clearinghouse. Clearinghouse

rules and regulations apply to a variety of CDL drivers including municipal vehicle drivers. As the City of Moscow employee's municipal vehicle drivers, the City complies with all Clearinghouse regulations.

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Factsheet>

4. This includes a requirement to conduct both electronic queries and traditional manual inquiries with previous employers to meet the three-year implementation timeframe (through January 6, 2023) as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories.
5. The following policy information regarding the use of controlled substances and alcohol, required tests, testing procedures, test results and their consequences, apply to CDL-covered employees performing safety-sensitive duties.

F.E. Employees Subject to Federal DOT Testing

The Federal DOT alcohol and controlled substance testing rules apply to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce. This includes individuals who only operate a CMV occasionally or in an emergency.

G.F. Definition of Safety Sensitive Functions

A CDL employee is performing a safety sensitive function at the following times:

1. All time on City property, public property, or other property waiting to be dispatched to drive;
2. All time inspecting, servicing or conditioning any CMV at any time;
3. All CMV driving time;
4. All time other than driving time in or upon any CMV;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
6. All time spent performing driver requirements relating to accidents; and
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

H.G. Prohibited Conduct - CDL-Covered Employees May Not:

1. Use any illicit (illegal) controlled substance. *
2. Possess any illegal controlled substance while assigned to or performing safety-sensitive functions.
3. Use any legal prescription which is a controlled substance (or possess it while assigned to or performing safety-sensitive functions), unless taking it in accordance with the instructions of a licensed medical provider, and that medical provider has advised that it will not adversely affect your ability to safely operate a CMV.
4. Use or possess alcohol while assigned to or performing safety-sensitive functions. This includes anything that contains alcohol, such as mouthwash and cough medication.
5. Perform safety-sensitive functions within eight (8) hours after using alcohol.
6. Report for duty or remain on duty if:
 - a. Under the influence or impaired by alcohol; or
 - b. Have a blood alcohol concentration of .02 or greater
7. Refuse to submit to any test for alcohol or controlled substances (refusal also means adulterating or substituting a specimen).

*Medical marijuana, even if legally prescribed in a state, is an illegal drug under Idaho state and federal law. The use of medical marijuana is prohibited conduct for CDL-covered employees.

I.H. Consequences of Engaging in Prohibited Conduct:

Engaging in prohibited conduct has the same consequences as those for a positive test.

I.I. Prescription Medicine and Over-The-Counter (OTC) Drugs

These may affect a driver's fitness for duty or ability to perform duties safely. It is the CDL-covered employee's responsibility to know how the medications taken for health reasons affect the ability to perform the employee's job in a safe manner. Employees are encouraged to always ask their medical provider how any medication they are taking will affect their ability to operate a CMV safely.

Chapter 6 - Discipline & Termination

I. Employee Discipline

- A. The Employee Discipline Policy provides the process and progressive measures to address employees' workplace actions and/or violation of the City's standards of conduct and job performance requirements as documented within the City of Moscow Personnel Policy Manual. These procedures are directory in nature and minor variations in the processes set forth herein will not affect the validity of any actions taken pursuant to this policy.
- B. The following framework guides the progressive steps to be taken when an employee violates employment policies or fails to adequately perform their duties. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, up to and including termination of employment. In addition, nothing contained herein is intended to change the at-will nature of the employment for those employees identified as at-will in the City of Moscow Personnel Policies - Employee Classification Policy. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. The City may take any of the prescribed steps, in any order, when a supervisor deems an action of the employee is serious enough to warrant a certain step.
1. Step 1: Counseling and Verbal Warning – intended to provide an opportunity for the immediate supervisor to bring attention to the existing performance or conduct issue. The supervisor will discuss the nature of the problem or the violation of City's policies with the employee. The supervisor will clearly describe performance and/or conduct expectations, support the supervisor will provide to assist the employee in improving their performance and/or conduct, and steps the employee must take to resolve the problem. This session is documented in the Verbal Warning Form and available from Human Resources.
 2. Step 2: Written Warning – involves more formal documentation of the performance or conduct issues and consequences. At Step 2, the immediate supervisor and department manager or supervisor will meet with the employee to review the issue, and any prior relevant corrective action plans as appropriate. The immediate supervisor will outline the consequences for the employee's continued failure to meet performance or conduct expectations, as well as the support the supervisor will provide to assist the employee in successfully correcting the performance or conduct issue. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken. This step is documented in the Written Warning Form available from Human Resources.
 3. Step 3: Suspension and Final Written Warning – some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from the immediate supervisor, department manager or supervisor, Human Resources, and the City Administrator. This step requires a memo documenting the specific performance or conduct issue(s), including documentation of all prior verbal and written disciplinary actions taken to address the performance issues. The memo and accompanying documentation shall be sent to Human Resources for review, followed by review and approval by the City Administrator. Human Resources will provide the employee and supervisor with the written notice of suspension.

4. Step 4: Recommendation for Termination of Employment – the most serious step in the progressive discipline process is a recommendation to terminate employment. The City of Moscow will generally follow the progressive nature of this policy by first providing counseling, a written warning, issuing a final written warning, or suspending the employee from the workplace, before proceeding to a recommendation to terminate employment. In cases of serious misconduct or any time a supervisor determines it is necessary (including by example, but not limited to, a major breach of policy, safety violation, or violation of law), the City reserves the right to escalate disciplinary actions, up to and including immediate suspension and/or termination, depending on the circumstances of each situation and the nature of the offense. Recommendations to terminate employment must be approved by the immediate supervisor, department manager or supervisor, Human Resources, and City Administrator. Notices of termination are prepared by Human Resources to provide for proper liability review.

C. Discipline and Termination Process

1. If an employee is not meeting City standards of conduct or performance, the employee's supervisor should take the following actions:
 - a. Meet with the employee to discuss the matter.
 - b. Inform the employee of the nature of the problem, facts which support the concern, support or coaching to be provided to the employee and the action the employee is expected to take to correct the issue.
 - c. Complete a Verbal Warning Form, available from Human Resources, that includes the date the discussion is held, supervisor and employee names, issue with date of occurrence, and support the supervisor agrees to provide and corrective actions expected.
 - d. Forward form to Human Resources for filing in personnel file.
2. If there is a second occurrence, the supervisor should meet again with the employee to provide further feedback taking the following actions:

- a. Meet with the employee to discuss the matter.
 - b. Inform the employee of the nature of the problem, facts which support the concern, support or coaching to be provided to the employee and the action the employee is expected to take to correct the issue.
 - c. Complete a Written Warning Form, available from Human Resources, to serve as the official written reprimand to include the following:
 - i. Summary of instances or discussion held regarding the issue to date as outlined in the original Verbal Warning Form.
 - ii. Summary of current instance, expectations of employee moving forward, corrective action the employee is required to take, support and coaching City is committed to providing, and consequences for not meeting expectations.
 - d. Forward form to Human Resources for filing in personnel file.
- D. If there are additional occurrences the supervisor or manager should confer with the City Administrator and Human Resources to take one or more of the following action(s), depending on the situation and severity of the conduct:
1. Issue an additional written reprimand or warning; or
 2. Suspend the employee with or without pay; or
 3. Suspend the employee with or without pay indefinitely and recommend termination; or
 4. Other such action as deemed appropriate.
- E. Human Resources under usual circumstances should review and approve a recommendation for termination before any final action is taken. An employee who believes that discipline received is too severe or who disagrees with the reason(s) for the discipline, may utilize the grievance procedure outlined in the Employee Grievance Policy.

II. Employee Grievance

- A. It is the policy of the City that current employees should have an opportunity to present their work-related complaints and to appeal employment related management decisions through a grievance procedure. The City will attempt to promptly resolve all grievances that are appropriate for processing under this policy. The grievance procedure is not available to an employee who is recommended for termination or to an employee selected for layoff. Employees are encouraged to talk to each other to resolve their problems. Other methods of resolution may include communicating with their direct supervisor in order for the

supervisor to try to resolve the problem. Supervisors should try to resolve any grievance as quickly as possible. When they're unable to do so, they should refer to Human Resources and cooperate with all other procedures.

- B. When employees have an issue with their direct supervisor, it is encouraged that they should first try to discuss the matter and resolve it between them. In that case, they're advised to request an informal meeting.
- C. If the grievance relates to a supervisor behavior that can bring disciplinary action (e.g. sexual harassment or violence), employees should refer directly to Human Resources or the next level supervisor.
- D. Human Resources will assist with the formal Grievance Procedure as follows:
 - 1. Work with employee to fill out a Grievance Form;
 - 2. Work with employee to ensure the matter is understood completely;
 - 3. Communicate the issue as appropriate to the City Administrator and the City Attorney;
 - 4. Provide the employee who faces allegations with a copy of the grievance;
 - 5. As appropriate, organize mediation procedures (e.g. arranging a formal meeting);
 - 6. As appropriate, investigate the matter or engage the assistance of an investigator when needed;
 - 7. Keep employees informed throughout the process;
 - 8. Communicate the formal decision to all employees involved;
 - 9. Take actions to ensure the formal decision is followed;
 - 10. Process appeals by gathering more information and investigating further; and
 - 11. Keep accurate records.
- E. The grievance procedure may vary according to the nature of a grievance. For example, if an employee is found guilty of actions not allowed as highlighted in these policies, the City will engage in the disciplinary process.

III. Termination of Employment

A. Termination

The City may terminate employment because of an employee's voluntary resignation, involuntary termination, retirement, or a permanent reduction in the work force resulting in layoff as outlined in Chapter 7 Section VII.

B. Voluntary Resignation

1. Employees shall send notice of resignation to their supervisor and/or chain of command. Supervisory and managerial employees should give four (4) weeks' notice. All other employees should give no less than two (2) weeks' notice. Supervisors shall forward employee resignation notices to Human Resources to initiate the employee separation process.
2. Employees who voluntarily resign from their employment and leave in good standing may be eligible for future employment if recommended by their supervisor.
3. Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily resigned from their employment with the City and will be ineligible for future employment with the City.

C. Involuntary Termination

1. Supervisors shall send recommendations for termination to Human Resources, including all information and documentation as outlined in Chapter 6 Section I Employee Discipline, before any final action is taken.
2. As determined by Human Resources in consultation with the City Administrator, City Attorney and related manager, administrative leave with or without pay may be extended to the affected employee to provide the necessary time for review of the recommendation for termination.
3. Following proper review and/or investigation and consultation with the City's liability insurance provider, a decision will be made to officially terminate the employee, or to take such other action as deemed appropriate.
4. The decision to terminate shall stand unless the employee shows by clear and convincing evidence that the decision to terminate is premised only upon inaccurate information or would constitute a violation of applicable law. In this instance, the Employee Grievance Policy as detailed in Chapter 6 Section II. Discipline & Termination would apply.

D. Retirement

Employees who retire from the City under the provisions of the Public Employee Retirement Systems of Idaho (PERSI) retirement plan will be considered to have retired from the City.

E. Compensation, Benefits and City Property upon Termination

Human Resources is responsible for securing the return of funds advanced and/or all City property in the possession of terminated employees. If the employee owes the City any monies or is responsible for any lost or damaged property, such accounts are to be settled by deduction from final pay. Human Resources will also notify terminating employees who are covered by the City's group health plan of their right to continue coverage under that plan, as required by law.

IV. Name-Clearing Hearing

A. Eligibility

1. All employees are at-will employees. At-will employees may experience adverse consequences such as unlawful discrimination or retaliation based on allegations of dishonesty, immorality or criminal misconduct. A public employee who is demoted with a reduction in pay or terminated from employment based on such allegations may be provided an opportunity to be heard, also known as a name-clearing hearing, when one is requested. Failure to pursue the opportunity to be heard at a name-clearing hearing procedure constitutes a waiver of this opportunity.
2. It is unlawful to discriminate or retaliate based on race, color, religion, sex, gender, sexual orientation, gender expression or identity, age, marital or familial status (including pregnancy), national origin, or non-job-related physical or mental disability, or any other characteristic protected by law when not a bona fide occupational qualification. The City does not condone discrimination on the basis of the foregoing. It is unlawful to retaliate against an employee for initiating a charge of discrimination or harassment, or for assisting in any way in an investigation of such charges.
3. Issues involving job performance or employee attitude, which do not include allegations of discrimination, retaliation, dishonesty, immorality, or criminal misconduct, are not the proper subject of a name-clearing hearing and will not be heard.

B. Name Clearing Process

1. Within fourteen (14) days of employee's termination or demotion, the employee may submit a written allegation of unlawful discrimination or retaliation, or the basis for entitlement to a name-clearing hearing, stating particularly the basis for the requested hearing. Written allegations that are untimely submitted or that fail to state a particular, legally recognized basis will not be granted an opportunity to be heard. An employee will be promptly notified if a requested hearing is denied.

2. An employee alleging unlawful discrimination or retaliation, and who is requesting a name-clearing hearing, will meet with the City Administrator. The hearing will not exceed one (1) hour in duration.
- ~~3.1.~~ Minutes of the hearing may be made and maintained as part of the personnel record.
- ~~4.2.~~ The employee's supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges. The City Administrator may require the employee's supervisor to participate in the hearing.
- ~~5.3.~~ The employee will be provided an opportunity to present evidence upon which the claims are based.
- ~~6.4.~~ The City Administrator may ask questions during this process.
- ~~7.5.~~ The employee may question participants during this process.
- ~~8.6.~~ The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.
- ~~9.7.~~ After the hearing, the City Administrator will consider the information submitted and any other pertinent information in the City's records. The City Administrator will then issue a written decision concerning the employee's allegations and will include the reasons for the City Administrator's determination.

Chapter 7 - Hours of Work

I. Hours of Work

- A. The City shall establish the time and duration of working hours as required by the workload, customer service needs, the efficient management of personnel and departmental resources, and any applicable law.
- B. Each supervisor determines the schedule of hours for all classifications of employees (exempt and non-exempt) with final determination by the Deputy City Administrator or City Administrator. Employees are to be informed of their daily schedule of hours of work, including meal and rest periods, and any changes deemed necessary or desirable by the City.
- C. Supervisors may schedule overtime or extra shifts when, and to the extent, it is deemed necessary. Supervisors will assign overtime to non-exempt employees in a particular job for which overtime is required. Employees are not permitted to work overtime without the prior approval of their supervisor.
- D. Employee attendance at lectures, meetings, and training programs, including travel time, will be considered hours of work if such attendance is requested or approved by their Supervisor.
- E. At their discretion, supervisors may allow non-exempt employees to make-up lost time during a given workweek, if the make-up time does not result in placing the employee on overtime.
- F. All non-exempt employees are required to complete an individual time record showing the daily hours worked.

II. Work Period

- A. Per the Fair Labor Standards Act (FLSA), a typical employee's work period is a fixed and regularly recurring period of one hundred sixty-eight (168) hours during seven (7) consecutive twenty-four (24) hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. Different work periods may be established for different positions or groups of employees such as employees engaged in fire protection, emergency medical services or law enforcement (FLSA, 29 U.S.C § 207(k)).
- B. Work Periods for the City of Moscow are as follows:
 - 1. Non-Exempt, Non-Public Safety Personnel Work Period – Seven (7) Days
 - a. Begins at midnight on Monday of each week
 - b. Concludes at 11:59 p.m. of the succeeding Sunday.

- c. For the purposes of payroll processes, two work periods make up one pay period. Averaging of hours over two or more defined work periods is not permitted.
- 2. Public Safety Personnel (Sworn Law Enforcement Personnel, Fire Personnel as defined in Idaho Administrative Code 59.01.01.200 and Paramedic/Firefighters) – Fourteen (14) Days
 - a. Begins at midnight on Monday of the first week of the work period
 - b. Concludes at 11:59 p.m. on the last Sunday of the work period
- 3. Exempt Personnel
 - Not applicable under FLSA guidelines.

III. Attendance and Punctuality

- A. The City requires all employees (exempt and non-exempt) to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.
- B. Supervisors will notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.
- C. Employees must notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. Such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to supervisor's supervisor.
- D. Employees are to be compensated during authorized absences in accordance with City policies. Non-exempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds ten minutes after starting time or before quitting time. Failure to properly notify the City of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action, up to and including termination.
- E. Employees who are delayed in reporting for work more than thirty minutes and who have not notified their supervisor of the expected tardiness may lose their opportunity to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to

work. Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work.

F.A. The City expects each employee to make reasonable efforts to report to work in inclement weather situations. If weather or traveling conditions delay or prevent an employee from reporting to work, they should notify their supervisor as soon as possible. If an employee is unable to report to work at all due to weather or traveling conditions, the employee will be expected to charge the absence to accrued vacation leave or compensation time.

G.B. Occasionally, severe weather conditions may necessitate closing some City offices. If office closure occurs, employees may have the opportunity to make up the missed time. Any missed time must be made up within the work period of the closure. Otherwise, missed time must be charged to accrued vacation or compensatory time. Missed time cannot be charged to sick leave unless there is a qualifying reason for the use of sick leave in accordance with this policy.

H.C. Employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost if the result of making up such time will put the employee in overtime status during the workweek.

I.D. Employees must report to their supervisor as soon as possible when late or absent, to explain the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.

J.E. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

K.F. Employees who are absent from work for three consecutive days without giving proper notice to the City will be considered as having voluntarily quit and/or resigned. At that time, the City will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

IV. Rest and Meal Break

The City of Moscow is committed to providing a work environment that supports employees' best efforts. As such, rest and meal breaks are provided for employees as follows:

A. Rest Break

1. All employees are permitted a fifteen (15) minute paid rest break for each four-hour work period unless conditions do not allow. Breaks are not permitted at either the beginning or end of the workday to offset arrival and departure times; nor are breaks permitted at the beginning or end of lunch to extend an unpaid meal period; or combined to create a 30 min. paid break during the workday. Employees who choose to remain at work during rest breaks are not entitled to leave before the scheduled quitting time and will not receive extra pay for the time worked. Employees who voluntarily work through their rest breaks will not be paid additional compensation.
2. Time spent on rest breaks will be compensated as working time, and employees are not required to sign out and in on their timesheets. However, employees are expected to be punctual in starting and ending their breaks.

B. Meal Break

1. All employees who work eight (8) or more hours in a day are required to take an unpaid meal break of thirty (30) to sixty (60) minutes depending on operating requirements.
2. Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department. Meal breaks are unpaid and not counted toward hours worked.
3. Employees are to be completely relieved from duty during their meal break. If a non-exempt employee is required by their supervisor to perform any work duties while on their meal break, the employee must be compensated for the time spent performing work duties. The time spent working during the meal break will be counted toward the total hours worked.

C. Enforcement

Supervisors are responsible for scheduling the time for employee rest and meal breaks and should take into consideration the workload and the nature of the job performed. Supervisors may also schedule the place for rest breaks. Whenever necessary, the frequency, time, and/or place of meal and rest breaks may be changed.

D. Break Time for Nursing Mother

The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one (1) year after the child's birth each time such employee has need to express the milk.

Nursing mothers have a right to utilize their fifteen (15) minute paid rest break, as provided in section IV.A to express breast milk. Whenever an employee is completely relieved of work duties and the time needed to express breast milk goes

beyond the allotted rest break time, that time is considered unpaid. The frequency of breaks as well as duration needed to express breast milk will likely vary, as such, employees should communicate their specific needs to their supervisor to ensure adequate break time is provided and to coordinate for schedule adjustments if needed.

Employees are entitled to a place to express breast milk at work, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. Departments and/or employees should work with Human Resources to ensure a space is provided that meets these requirements.

V. On-Call and Call-Back

A. Applicability

1. The City of Moscow provides critical services to its residents. As such, employees may be required to be available ~~and~~ to work outside their regular schedule. The purpose of this policy is to provide a consistent method throughout all City departments to compensate employees for On-Call shifts and for Call-Backs ~~responses~~. Specifically, this policy sets forth eligibility and compensation for non-exempt regular employees.
2. FLSA-exempt employees are not eligible for On-Call or Call-Back compensation.
3. Temporary and seasonal employees are not eligible for On-Call shifts and do not qualify for On-Call, ~~or Call-Back~~ compensation.

B. On-Call Status

1. ~~On-Call shift hours usually coincide with regular shift hours.~~ Any employee may be assigned to an On-Call status, which requires the employee to be accessible, available, and able to report for duty if called. Such shifts may vary in beginning and ending times from department to department or division to division and are subject to change by an administrative decision based on workload needs.
2. Supervisors are responsible for maintaining a roster of all qualified employees for On-Call status, determining the need for availability, assigning employees to On-Call status shifts, and maintaining an equitable rotation schedule. On-Call shifts are to be scheduled ~~for~~ 24-hour increments.
3. On-Call compensation is calculated at two (2) hours of pay per On-Call shift at one and one-half (1½) times the regular hourly pay rate.
4. On-Call compensation may be paid as overtime pay or taken as compensatory time at the employee's request and ~~with~~ the approval of the department supervisor/manager based on department necessity and budget constraints.

4.5. Employees assigned to On-Call shifts shall be available to respond within thirty (30) minutes during the duration of their On-Call shift, or as otherwise approved by their supervisor.

C. Call-Back ~~Status~~Compensation

1. When an eligible employee is called back to work from On-Call status or otherwise at a time not previously scheduled, the employee will receive Call-Back Compensation. Response time for On-Call personnel should average thirty (30) minutes but is managed operationally by each department/division.
2. Call-Back Compensation: An employee in call-back status will receive a minimum of two (2) hours of pay at one and one-half (1½) times the regular hourly pay rate, even if the time spent back on the job is less than two (2) hours. Hours worked that exceed two (2) hours are also paid at one and one-half (1½) times the regular hourly pay rate as actual hours worked. Drive time to and from the worksite is considered hours worked for Call-Back compensation.
3. Call-Back compensation may be taken as compensatory time, in lieu of paid time at the employee's request and at the approval of the employee's primary department supervisor based on department necessity and budget constraints.
4. Actual hours worked for Call-Back that are paid at a premium rate of one and one-half (1½) times the regularly hourly rate, and that are paid pursuant to a Call-Back minimum or premium provision, shall not be counted toward the calculation of overtime for hours worked in excess of forty (40) hours in the workweek, in accordance with the Fair Labor Standards Act (FLSA).
- 3.5. Call-Back compensation may be paid as overtime pay or taken as compensatory time at the employee's request and with the approval of the department supervisor/manager based on department necessity and budget constraints.

D. Remote Response:

1. An employee who is contacted outside of their regularly scheduled work hours to address an issue that cannot reasonably wait until their next scheduled shift, and which can be resolved without physically reporting to a City of Moscow work location (e.g., via phone call, email or remote system access), shall be classified in Remote Response status and compensated for actual time worked in quarter hour (15 minute) increments.
2. Compensation for Remote Response shall be as follows:
 - a. Hours worked up to the forty (40) hours in the workweek shall be paid at the employee's regular hourly rate.

b. Hours worked in excess of forty (40) hours in a workweek shall be paid at one and one-half (1½) times the employee's regular hourly rate, in accordance with the Fair Labor Standards Act (FLSA).

VI. Telecommuting

A. Overview

1. Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their work period. The City of Moscow considers telecommuting a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and positions but not for others. Telecommuting is not an entitlement, it is not a City-wide benefit, and it in no way changes the terms and conditions of employment with the City of Moscow.
2. Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.
3. Any telecommuting arrangement made will be on a trial basis to be determined by the supervisor with the approval of the City Administrator. Any arrangement may be discontinued at the sole discretion of the City. Every effort will be made to provide 2 weeks' notice of such change to provide time to address issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

B. Eligibility

1. Individuals requesting formal telecommuting arrangements must be employed with the City of Moscow for a minimum of twelve (12) months of continuous, regular employment and must have a satisfactory performance record, unless in cases of extenuating circumstances. Before entering into any telecommuting agreement, the employee and supervisor will evaluate the suitability of such an arrangement, reviewing the following areas:
 - a. Job responsibilities. The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
 - b. Performance measurement. The employee and supervisor will discuss the feasibility of developing a comprehensive work plan with consistent and measurable progress points.

- c. Employee suitability. The employee and supervisor will assess the employee's needs and work habits, compared to traits customarily recognized as appropriate for successful telecommuting arrangements.
 - d. Equipment needs, workspace design considerations, and scheduling issues. The employee and supervisor will review the physical workspace needs and the appropriate location for the telework.
 - e. Tax and other legal implications. The employee must determine any tax or legal impact under IRS, state and local government laws, and restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
2. Should the employee and supervisor agree that a telecommuting arrangement may work, a draft Telecommuting Work Arrangement Form is required for review by the Deputy City Administrator (or City Administrator) of the operational group. If approved by the Deputy City Administrator, the proposal is then forwarded to the City Administrator. If the City Administrator approves the proposal, a trial period is determined, and the arrangement may proceed.
 3. Evaluation of employee performance during the trial period will include regular interaction by phone and e-mail between the employee and the supervisor, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and supervisor must complete an evaluation of the arrangement. Should it be determined that the needs of the employee and City are being met, any recommendations for modifications, and a request to continue the arrangement, must be submitted to the City Administrator for approval. Evaluation of employee performance beyond the trial period will be consistent with employees working in-office in both content and frequency. Such assessment will focus on work output and completion of objectives as well as time-based performance.
 4. An appropriate level of communication between the employee and supervisor is required as part of the discussion process and development of the telecommuting arrangement request. The supervisor and employee will communicate at a level consistent with peer employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

C. Equipment

1. On a case-by-case basis, the City of Moscow will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, and other office equipment) for each telecommuting arrangement. The Human Resource and Information System Departments will serve as additional resources in this matter.

2. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City of Moscow accepts no responsibility for damage or repairs to employee-owned equipment. The City of Moscow reserves the right to determine appropriate equipment, subject to change at any time.
3. Equipment supplied by the City is to be used for business purposes only. The employee must sign an inventory of all the City of Moscow property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City, unless other arrangements are made.
4. The City of Moscow will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary.
5. The employee will establish an appropriate work environment for work purposes at their home. The City of Moscow will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, or repairs or modifications to the home office space.

D. Safety

1. Employees will maintain their home workspace in a safe manner, free from safety hazards. Employees must abide by the City of Moscow Employee Safety Policy. Each employee must agree to maintain their home workspace in keeping with the safety requirements outlined in the Telecommuting Arrangement Request Proposal. Injuries sustained by the employee in a home office location in conjunction with their regular work duties are to be immediately reported to the employee's supervisor and Human Resources. The City has no responsibility or liability for any injuries sustained by visitors to the employee's home worksite.
2. Telecommuting is not a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective employees are encouraged to discuss expectations of telecommuting with family members before entering a trial period.

E. Security

Consistent with the City's expectations of information security for employees working at the office, telecommuting employees are expected to ensure the protection of sensitive information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

F. Time Worked

Telecommuting employees who are not exempt from the Fair Labor Standards Act's overtime requirements are required to accurately record all hours worked using the City of Moscow's time-keeping system. Hours worked in excess of those scheduled per day, and per workweek requires the advance approval of the employee's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

G. Informal Arrangements

1. An employee's supervisor may approve temporary telecommuting arrangements for circumstances such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.
2. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the City and with the consent of the employee's health care provider, if appropriate.
3. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the City. Informal arrangements that are temporary and short term in nature do not require telecommuting arrangement approval.

VII. Layoff and Recall

The City will, through the exercise of prudent management and budgetary practices, attempt to avoid layoffs and will consider all reasonable alternatives to layoff before any final decisions regarding layoffs are made. If there is to be a reduction of employment because of significant adverse economic or other conditions, layoffs and recall from layoffs will be conducted as consistently as practicable and as set forth below.

A. Layoff

1. In response to a request by the City Administrator, manager(s) will identify and recommend departmental positions to be considered for layoff (based upon the needs of the departments and of the City as a whole). In the event that layoffs are expected, the City Administrator will communicate such information to the Mayor, Council, and staff in a timely manner.
2. Communication regarding layoffs may occur in an Executive Session held pursuant to Idaho law. The City Administrator will recommend a layoff plan to the Council based upon input from City staff and after consultation with the Mayor. The Council will make the final determination of the specific employment positions to be subject to the layoff.

3. In general, City employees are to be considered and selected for layoff in the following order of priority (unless smooth functioning of the City would be unduly compromised):
 - a. Temporary and part-time employees should be laid off first (except where such employees are needed to continue important City functions/positions on a “bare-bones” basis).
 - b. Next, new employees in their INTRODUCTORY PERIOD should be considered for layoff.
 - c. Finally, full-time employees will be identified for layoff based on the positions’ contribution and performance, as assessed by their manager and the City Administrator (in consultation with the Mayor). In order to retain employees considered to be best suited to perform the remaining work, the City Administrator (in consultation with the respective managers) may reassign individuals. If contribution and performance are equal between or among employees considered for layoff, length of service should be considered.
4. Employees selected for layoff will be given the notice required by law and as much as is reasonable under the circumstances (as determined by the City Administrator, in consultation with the Mayor). Employees will be informed of the reason for the layoff and of the estimated length of the layoff by the City Administrator. Employees selected for layoff cannot use the City’s grievance procedure.
5. Previously accrued vacation and compensatory time will be maintained for employees laid off. During the layoff period, no additional leave will accrue. Retirement benefits are maintained by the State of Idaho through the PERSI system.

B. Recall

1. The names of employees who are laid off will be maintained on a recall list for one (1) year or until the Council determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all recall opportunities the employee may have. While on the recall list, employees should report to Human Resources if they become unavailable for recall. Employees who fail to keep a current home address on record with Human Resources will lose recall opportunities.
2. Employees will be recalled according to the City’s need and the employee’s classification and ability to do the job. Notice of recall will be sent by certified mail (return receipt requested to Human Resources), to the current home address (as furnished by the employee). Unless an employee responds to the recall notice within seven (7) working days following receipt of the recall notice or its attempted delivery, the employee’s name will be removed from the recall

list and the employee will cease to have recall opportunities with the City. Neither failure to be recalled nor failure to respond to a recall notice prohibit a former employee from re-applying for employment with the City.

3. Employees laid off for more than thirty (30) days, and who are recalled within one (1) year from the date of layoff, credit for retirement benefits, vacation or sick leave hours, will not be accrued during a layoff of thirty (30) days or more if an employee returns to work following recall.
4. Following recall, the returning employee may use any vacation or days of paid absence that were accumulated but not used when the employee was laid off.
5. Vacation pay equal to the number of days accrued, minus the number of days taken, will be paid to the employee at the time of layoff if the layoff is expected to exceed thirty (30) days.

VIII. Shift Differential

The City provides shift differential compensation to employees who are regularly scheduled to work a shift in which fifty percent (50%) or more of scheduled hours are between 6:00 p.m. and 6:00 a.m. Specifically, this policy sets forth eligibility and compensation for non-exempt regular employees. Exempt employees do not qualify for shift differential compensation.

- A. Sworn personnel of the City of Moscow Police Department receive shift differential compensation per pay period, at a rate specified in the Police Department pay schedule located within the City Summary Budget.
- B. All other City employees receive shift differential compensation for all hours worked during the scheduled work shift. Shift differential compensation is paid at a per-hour rate specified in the City salary schedule located within the City Summary Budget.

Chapter 8 – Leave

I. Leaves of Absence Without Pay

Leave without pay (LWOP) is a temporary non-pay status and absence from work. LWOP may only be granted in limited circumstances, which include:

- A. Qualifying under the Family and Medical Leave Act (FMLA), as amended, which provides covered employees an entitlement of up to a total of twelve (12) weeks of LWOP during any twelve (12) month period for certain family and medical needs.
- B. Qualifying under the National Defense Authorization Act, as amended, which provides covered employees with an entitlement of up to a total of twenty-six (26) weeks of unpaid leave during a single 12-month period to care for a covered service member.
- C. Qualifying under the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, which provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- D. In accordance with a worker's rights and requirements under Worker's Compensation.
- E. Any other state or federal leave requirement pertaining to entitled use of LWOP.
- F. In other limited circumstances, at the approval of the City Administrator.

II. Leave Approval (REPEALED PER RESOLUTION 2023-25)

III. Active-Duty Military Leave

A. Active-Duty Military Leave is granted if an employee is absent to serve in the United States' uniformed services for a period of up to five years (not including specific involuntary extensions of service). A leave without pay of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA). The City will re-employ returning service members in the job that they would have maintained, if still qualified to perform the duties of the position, or will re-employ the returning service member to a position of like seniority, status and pay, had they not been absent for uniformed service who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions. Returning service members will retain certain rights with respect to reinstatement, seniority, layoffs, and compensation.

B. If the employee's military leave is for thirty (30) days or less, the City will continue health benefits as if the employee is actively working. If the employee's military

leave is for a period of thirty-one (31) days or more, the City will terminate paid status benefits, but will provide COBRA-like benefits, cost to be paid by the employee, for up to twenty-four (24) months as required by USERRA (subject to change based on USERRA law).

~~C.A.~~ Employees returning from a military leave must also comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not available due to a reduction in force, the employee will be treated in the same manner as though employee were not on leave at the time of the reduction in force.

IV. Inactive-Duty or Training Military Leave

Any regular full-time or part-time employee serving in the United States uniformed services is entitled to time off at full pay for certain types of inactive duty in the National Guard or as a Reserve of the Armed Forces as provided in this policy. This leave category is provided to cover the hours of leave necessary to cover the period of inactive duty, training, and necessary travel (the equivalent of up to approximately three (3) forty (40) hour workweeks). Employees have three options for managing their military time and pay as follows:

- A. During this period of leave, City employees may be paid their regular pay rate, including all benefits to maintain in-service pay status (prorated for regular part-time employees by the number of hours in the employee's regular schedule). In exchange, compensation the employee receives from active or inactive duty is paid over to the City of Moscow up to, but not to exceed, the net pay distributed to the employee.
- B. An employee may be eligible for leave without pay, as long as the employee has a combination of hours worked, vacation used, or compensatory time is taken, which equals twenty (20) hours or more in any week. This instance also requires verification from payroll that all employee obligations for payroll deductions and expenses can be met.
- C. An employee may take vacation leave to meet inactive-duty or training obligations and may retain both City paid wages as well as military paid wages.

V. Disability Leave (REPEALED PER RESOLUTION 2023-25)

VI. Floating Holiday

- A. Eight (8) hours of personal time each calendar year may be taken as a paid day off. Floating Holidays may not be carried over to the next calendar year.
- B. Requests for the use of an employee's Floating Holiday shall be made in writing to the responsible supervisor. Efforts will be made to accommodate the preference of the employee in Floating Holiday scheduling, while minimizing the impact on

department operations. The Floating Holiday may not be used until earned and may be taken in eight (8) hour increments only.

C.A. Employees holding Paramedic/Firefighter positions will be paid eight (8) hours annually in place of taking Floating Holiday paid leave as detailed in Chapter 8, Section VII.E.

VII. Holidays

A. The City ~~recognizes~~observes certain days each year as holidays. Holidays begin at ~~midnight~~12:00 a.m. and end at 11:59 p.m. ~~the following on the day the holiday is observed.~~ The City ~~recognized~~observes holidays that ~~occur~~fall on a Saturday shall be observed on the preceding Friday and holidays that fall on a Sunday shall be observed on either the preceding Friday or the following Monday. Holidays ~~observed~~recognized by the City include the following ~~(other holidays may be declared by the Governor, Mayor and City Council):~~

<u>Holiday</u>	
<u>New Year's Day</u>	<u>January 1</u>
<u>Idaho Human Rights Day</u>	<u>Third Monday in January</u>
<u>President's Day</u>	<u>Third Monday in February</u>
<u>Memorial Day</u>	<u>Last Monday in May</u>
<u>Juneteenth</u>	<u>June 19</u>
<u>Independence Day</u>	<u>July 4</u>
<u>Labor Day</u>	<u>First Monday in September</u>
<u>Veteran's Day</u>	<u>November 11</u>
<u>Thanksgiving Day</u>	<u>Fourth Thursday in November</u>
<u>The _____ day following Thanksgiving</u>	<u>Fourth Friday in November</u>
<u>Christmas Day</u>	<u>December 25</u>

- | | |
|---|---|
| New Year's Day
(January 1) | Labor Day
(1st Monday of September) |
| Idaho Human Rights Day
(3rd Monday of January) | Veteran's Day
(November 11) |
| President's Day
(3rd Monday of February) | Thanksgiving Day
(4th Thursday of November) |
| Memorial Day
(last Monday of May) | The day following Thanksgiving
(substitute for Indigenous People's/Columbus Day) |
| Juneteenth
(June 19) | Christmas Day
(December 25) |
| Independence Day
(July 4) | |

A.B. ~~Holiday~~ Compensations are paid per employee types as follows:

1. To receive holiday pay, an eligible employee must be in pay status on the workdays both immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days due to illness or injury, the City reserves the right to verify the reason for the absence before approving holiday pay.
- ~~1.2.~~Regular full-time employees are eligible for eight (8) hours of pay at their regular rate for each observed to receive their regular pay rate up to eight (8) hours for each observed holiday. Holiday compensation shall be reported as holiday hours on the day the City observes the holiday.
- ~~2.3.~~Regular part-time employees who work thirty (30) or more hours per week are eligible to receive holiday pay on a pro-rata basis and only for their regularly scheduled number of hours up to eight (8) hours.
- ~~4. Regular part-time employees who work less than thirty (30) hours per week, temporary employees, separated employees who remain in pay status utilizing accrued vacation leave, and employees on unpaid leaves of absence are not eligible to receive holiday pay.~~The following employees are not eligible for holiday pay-:
 - a. Regular part-time employees who work fewer than thirty (30) hours per week;
 - b. Temporary and seasonal employees;
 - c. Separated employees who remain in pay status through the use of accrued vacation leave;
 - d. Employees on unpaid leaves of absence.
5. If an eligible employee is regularly scheduled to work more than eight (8) hours on an observed holiday (e.g., 10- or 12-hour shifts) and is not required to work or has requested the holiday off, any hours beyond eight (8) hours will be charged to paid leave. With supervisory approval, employees may adjust their schedule within the same workweek instead of using leave for hours exceeding eight (8).
6. Non-exempt employees who are scheduled to work on an observed holiday shall receive eight (8) hours of holiday pay plus their regular hourly rate for all hours worked.
- ~~3.7.~~When New Year's Day, Juneteenth, Independence Day, Veterans Day, or Christmas Day falls on a weekend, non-exempt employees who are regularly scheduled and required to work on the actual holiday (rather than the City's observed holiday) shall be paid at one and one-half (1 ½) times their regular hourly rate for all hours worked. If a non-exempt employee is regularly

scheduled to work on the actual holiday and is not required to work or has requested the day off, the employee must take paid leave.

~~B. To receive holiday pay, an eligible employee must be at work, or on an approved absence, on the workdays both immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or other paid leave. If an employee is absent on one or both of these days because of an illness or injury, the City reserves the right to verify the reason for the absence before approving holiday pay.~~

~~C. Non-exempt employees who work on a City designated holiday may choose compensatory time off or pay at the rate of one and one-half (1 ½) times the amount of time worked.~~

~~D. If a holiday falls on a day in which an eligible employee is regularly scheduled for more than eight (8) hours (for example; 10 or 12 hour shifts) and the employee is not required to work or has requested the holiday off as leave, any time over the eight (8) hours for holiday will be taken as paid leave. Employees may request to adjust their schedule within the same work week as the holiday at the discretion of their supervisor instead of taking leave for hours above the eight (8) hours of holiday pay.~~

4.8. Holidays that fall during an employee's approved vacation leave period will be counted as holiday pay up to eight (8) hours.

~~E.C.~~ Employees hired into Paramedic/Firefighter positions shall be entitled to a lump sum payment annually for up to eleven (11) days (88 hours) of Holiday and one (1) day (8 hours) for their Floating Holiday. Holiday pay shall be calculated by dividing the employee's annual base salary as of January 31st of the prior year by 2,756. This holiday amount will be received in January to compensate the employee for eligible holidays which occurred the previous year.

1. During the first year of employment, the number of holidays eligible for payment will be based on the Paramedic/Firefighters start date. *For example; if the employee was hired in March they would only receive payment for eight (8) holidays (64 hours) and one (1) day (8 hours) for their floating holiday the following January.*
2. At the time of voluntary separation, Paramedic/Firefighters shall receive a lump sum holiday pay based on the number of holidays which occurred in the year prior to their date of separation. *For example; if the date of separation occurs in August, the employee would receive a lump sum payment for six (6) holidays (48 hours) and one (1) day (8 hours) for their floating holiday at the time of separation.*

VIII. Moscow Volunteer Fire Department Leave

City of Moscow employees are, at the discretion of their supervisor, granted time off with pay during regular work hours while serving as a volunteer with the Moscow Volunteer Fire Department for active call outs. Employees must be in good standing with their supervisor and department. Overtime is not permitted to accommodate for volunteer hours provided during regular work hours.

IX. Paid Parental Leave

- A. Paid Parental Leave is intended to provide employees the time and financial support to adjust to the addition of a new family member following the birth, adoption, or placement of a child for activities related to the physical and mental well-being and care of the child and parents or caregiver.
- B. This leave is separate and in addition to other leave policies. Eligible employees are able to receive up to six (6) weeks (240 hours) of paid parental leave, Paramedic/Firefighters are eligible to receive up to 336 hours, to be used within the first six (6) months of the birth, adoption, or regular full-time custody of a child not previously under an employee's care, paid on the employee's regular payroll dates. If applicable, the amount of leave permitted with this benefit will be deducted from the employee's FMLA entitlement.
- C. Under some circumstances, employees may take paid parental leave on an intermittent or reduced schedule basis. Use of intermittent or reduced schedule parental leave requires departmental approval prior to the use of paid parental leave.
- D. If both parents are City employees and meet benefit eligibility criteria, each parent is eligible to receive the six-week paid parental leave benefit. An eligible parent is defined as a biological parent, same-sex spousal equivalent, domestic partner, new adoptive parent, or caregiver assuming significant parental and financial responsibility for a child. An individual who adopts a spouse or partner's child(ren) is not eligible for this benefit.
- E. Eligibility
 - 1. City employees regularly working thirty (30) or more hours per week who have been employed for the previous twelve (12) consecutive months and have worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period are eligible for paid parental leave. Eligibility requirements must be met as of the last day worked prior to the start of the paid leave.
 - 2. Part-time employees who work an average of thirty (30) hours per week will receive Paid Parental Leave on a prorated basis to be calculated by dividing the average hours worked per work period over the prior twelve months by forty (40) (i.e. if an employee averaged thirty-five (35) hours per work period over the prior year, they would receive two hundred and ten (210) hours of parental leave $((35/40)*240=210)$).

3. Temporary, part-time employees who work less than thirty (30) hours per week, and seasonal employees are not eligible for Paid Parental Leave.

X. Bereavement

- A. Up to three (3) consecutive days of paid bereavement leave is available in the event of the death of an employee's immediate family member, a member of the same household, or a relative as defined below. Bereavement leave may be extended for an additional five (5) working days by deduction from the employee's sick leave accrual. The compensable days must fall within the regularly scheduled workweek and must be approved in advance by the employee's supervisor and department manager.
- B. For the purpose of this policy, the definitions that apply to this section and chapter are as follows:
 1. Immediate Family Member – A spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.
 - a. *Child* – A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis" by providing day-to-day care and/or financial support.
 - b. *Parent* – A biological, adoptive, step or foster parent, or another person who stood "in loco parentis" to the eligible employee when the employee was a child by providing day-to-day care and financial support.
 - c. *Spouse* – A person to who the employee is legally married.
 2. Household – A Domestic Partner as defined in Chapter 3, Section IV.G.2, domestic partners dependent child(ren) or other persons whom the employee is legally obligated to support within their same household.
 3. Relative - Related to the employee by blood or marriage within the second degree which includes an employee's aunt, uncle, grandparent, grandchild, niece, nephew, and first cousin.

XI. Jury Duty

A paid leave of absence will be granted to employees who serve on jury duty. Employees will be paid their regular pay rate, including all benefits in order to maintain in-service pay status. In exchange, the employee's compensation from jury duty is paid over to the City of Moscow up to, but not to exceed, the net pay distributed to the employee. An employee whose public service duty is completed before the midpoint of their typical working day is expected to return to their work location at the City. As an alternative, employees may take vacation leave to meet jury duty or witness obligations and may retain both City paid wages as well as court compensation.

XII. Vacation

- A. Full-time, regular employees are eligible to accrue vacation leave based on length of service. The City Administrator may determine the vacation accrual rates for new employees. Part-time employees who consistently work more than thirty (30) hours per week accrue vacation hours on a prorated basis. Temporary employees and part-time employees who consistently work less than thirty (30) hours per week are not eligible for vacation accrual.
- B. Full-time, regular employees accrue vacation at the following rates based on their FLSA exemption status. Employees classified as a Paramedic/Firefighter accrue vacation leave based on the Exempt Employees accrual schedule:

	Non-Exempt Employees	FLSA Exempt Employees
Year 1 through 4	8 hrs/month (3.69/pay period)	12 hrs/month (5.54/pay period)
Year 5 through 8	10 hrs/month (4.62/pay period)	14 hrs/month (6.46/pay period)
Year 9 through 12	12 hrs/month (5.54/pay period)	16 hrs/month (7.38/pay period)
Year 13 through 16	14 hrs/month (6.46/pay period)	18 hrs/month (8.31/pay period)
Year 17 through 20	16 hrs/month (7.38/pay period)	18 hrs/month (8.31/pay period)
Year 21 +	18 hrs/month (8.31/pay period)	18 hrs/month (8.31/pay period)

- C. The maximum accumulation at the end of the calendar year is two hundred forty (240) hours. An employee may request an additional forty (40) hours to be rolled over at the end of the year. All requests are subject to approval by employee's supervisor and the City Administrator and may only be approved where it is determined that work demands, staffing levels or other conditions prohibited the employee from reasonably utilizing their vacation time accrual.
- D. Requests for vacation leave are to be made in writing to the responsible supervisor and based on the department requirements for requesting leave. Efforts will be made to accommodate the employee's preference in vacation scheduling while minimizing the impact to department operations. Vacation leave may not be used until it is earned or in any amount greater than the number of vacation leave hours accrued.
- E. If a paid holiday falls during an employee's approved vacation period, the holiday will count as holiday pay up to eight (8) hours. Employees scheduled shifts greater than eight (8) hours will use vacation leave for the remaining hours.
- F. If an employee qualifies for sick leave during their vacation period, and provides information to their supervisor to support use of sick leave, such time may be taken as sick leave and not counted against an employee's vacation leave.

G. Upon termination of employment, employees shall be paid for all unused vacation accrued. Employees who leave in good standing may be eligible by approval of the City Administrator to take vacation to extend their in-pay status beyond their final day in office. The extension of in-pay status does not provide for the accrual of sick leave, vacation hours, or holiday pay.

H.A. The value of unused vacation leave hours will be calculated at the hourly rate of the employee at the time of separation.

1. For Exempt employees working a standard 40-hour workweek or 80-hour work period the hourly rate will be calculated by dividing the employee's annual salary by 2,080.
2. For Paramedic/Firefighters the hourly rate will be calculated by dividing the employee's base annual salary by 2,756.

XIII. Sick Leave

A. The City recognizes that there are times when employees themselves or their dependents have health problems that require time away from work. Sick leave is provided for the following circumstances.

1. Personal illness or injury including work-related injuries, pregnancy and birth of a child, etc.;
2. Care for children, spouse or other members of immediate family when they have a health condition that requires supervision/ treatment;
3. Medical, dental or optical appointments for self or dependents, if arranged in advance with the appropriate supervisor;
4. Extended Bereavement Leave;
5. Care for new-born children during the twelve (12) month period following their birth as permitted under FMLA.

B. Regular, full-time employees accrue three point six-nine (3.69) hours of sick leave per pay period. Regular part-time employees who consistently work more than thirty (30) hours per week accrue sick leave hours on a prorated basis. Sick leave accrues only when an employee's status is active, i.e., working or taking paid time off. The maximum accumulation of sick leave is nine hundred sixty (960) hours. Once maximum accumulation is reached, no additional hours are accumulated until the employee's balance falls below nine hundred sixty (960) hours.

C. Paramedic/Firefighters accrue eleven point zero eight (11.08) hours of sick leave per pay period. Sick leave accrues only when an employee's status is active, i.e., working or taking paid time off. The maximum accumulation of sick leave is two thousand eight hundred and eighty (2,880) hours. Once maximum accumulation is

reached, no additional hours are accumulated until the employee's balance falls below two thousand eight hundred and eighty (2,880) hours. Due to the nature of the shift work, Paramedic/Firefighters may only use sick leave in increments as defined by the Fire Department.

- D. In the event sick leave is needed, the appropriate supervisor must be notified initially; daily contact must be made after that unless otherwise arranged. A signed physician's release may be required for leaves of absences of three (3) work days or more, or at the discretion of the supervisor depending on the reoccurring nature of sick leave requests.
- E. A supervisor may request a signed physician's release at any time when an employee is suspected of abusing sick leave. Absences that are designated as FMLA absences must be converted to a leave of absence if employment rights are to be maintained under the FMLA. Employees returning from sick leave may be asked to provide certification of their ability to perform their job's essential functions.
- F. Sick leave may not be used until it is earned or in any amount greater than the number of sick leave hours accrued. Any misuse of sick leave will be considered cause for discipline, which may include termination of employment.
- G. In the event that an employee is unable to work due to a work-related injury and is collecting compensation payments appropriately through the State Insurance Fund (SIF) with an open worker's compensation claim, the employee may submit the SIF compensation payment to the City in exchange for additional sick leave hours in the amount commensurate with the compensation payments received.
- H. When an employee leaves City employment in good standing, fifteen percent (15%) of the value of sick leave hours accumulated will be contributed to the employee's VEBA account or Health Savings Account (HSA). Any amounts under \$100 will be paid directly to the employee through payroll on their final paycheck. If an employee separates prior to the set up of a VEBA or HSA account, any amount will be paid directly to the employee through payroll on their final paycheck. Sick leave payout is forfeited when an employee leaves City employment due to involuntary termination.
- I. For Paramedic/Firefighters the number of sick leave hours accumulated for the fifteen percent (15%) sick leave payout will be calculated as follows: the number of accumulated sick leave hours divided by three (3). *For example; if a paramedic/firefighter has 1,200 hours accumulated at the time of separation or retirement: 1200 divided by 3 equals 400 (1200/3=400). The 15% sick leave payout would be based on the calculated 400 hours.*
- J. The value of the sick leave hours will be calculated at the hourly rate of the employee at the time of separation.

1. For Exempt employees working a standard forty (40) hour workweek or eighty (80) hour work period the hourly rate will be calculated by dividing the employee's annual salary by two thousand and eighty (2,080).
2. For Paramedic/Firefighters the hourly rate will be calculated by dividing the employees base annual salary by two thousand seven hundred and fifty-six (2,756).

XIV. Sick Leave Bank

The purpose of the Sick Leave Bank is to provide a means of obtaining additional sick leave days to avoid loss of compensation and to remain in pay status due to a significant or catastrophic illness or injury.

A. Sick Leave Bank Program

1. All regular full-time City of Moscow employees who have a sick leave balance of forty (40) or more hours at the time of the initial contribution of eight (8) hours of sick leave shall be eligible to participate in the Sick Leave Bank Program. Initial contributions are deducted from the sick leave days available to the contributing employee. Once hours are contributed to the Sick Leave Bank, they may not be reclaimed by the employee. Only employees who are active members of the Sick Leave Bank shall be eligible to draw on the Sick Leave Bank.
2. Newly hired employees shall be eligible to participate in the Sick Leave Bank the month following the successful completion of their introductory period and after their initial contribution has been made.
3. Once employees elect to participate in the Sick Leave Bank, membership is established for the duration of their employment with the City of Moscow.
4. A participant granted a leave of absence shall retain their active status in the Sick Leave Bank Program upon returning to regular duties.
5. Participants of the Sick Leave Bank Program may be granted up to twenty (20) days, or 160 hours of sick leave at any one time. Requests are limited to two (2) per incident.
6. If the City of Moscow discontinues the Sick Leave Bank – active employees who have contributed and who have not received leave from the Sick Leave Bank will be credited 8 hours of sick leave to their accounts.

B-A. Eligibility and Criteria

1. The Sick Leave Bank is available to:

- a. Eligible employees participating in the Sick Leave Bank program who have legitimately exhausted all of their accumulated paid leave time. This time includes all earned vacation, sick leave, floating holiday, and compensatory time.
 - b. Employees unable to work due to a work-related injury who have legitimately exhausted all of their accumulated sick leave time and also meet the following conditions:
 - i. Is an active participant in the Sick Leave Bank Program;
 - ii. Has met the 5-day waiting period for workers' compensation; and
 - iii. Has an active worker's compensation claim through the State Insurance Fund (SIF)
2. Criteria for Sick Leave Bank Program usage is as follows:
- a. Catastrophic accident or illness of the employee requiring absences from work: Catastrophic illness and/or injury is defined as an acute or prolonged illness or injury that is considered life-threatening or with the threat of serious residual disability.
 - b. Extended hospitalization of the employee.
 - c. Absence from work due to a work-related injury and an active Worker's Compensation Claim.
 - d. To be considered for hours through the Sick Leave Bank Program, the Sick Leave Bank Request form, signed by the employee's supervisor(s), must be submitted by the employee to Human Resources for approval by the City Administrator. Progress reports may be required as a condition of receiving sick leave hours from the Sick Leave Bank Program.
 - e. The Sick Leave Bank will not be made available in cases of suspected sick leave abuse.

C.B. Sick Leave Bank Administration:

1. Human Resources shall be responsible for managing and administering the Sick Leave Bank Program including the procedural establishment, solicitation of contributions, processing of applications, and records management.
2. Payroll shall be responsible for all payroll processing of the Sick Leave Bank, as well as managing and administering the Sick Leave Bank for employees with active workers' compensation claims through SIF. Refer to the City's Personnel Policy, Chapter 8, Section XV Worker's Compensation for more details.

XV. Workers' Compensation

The City of Moscow has established the following for treatment and compensation of work-related injuries in accordance with Title 72 of Idaho Code. The City holds a Workers' Compensation Policy under the Idaho State Insurance Fund (SIF). This policy covers all employees regardless of employee classification.

A. Employee Reporting

1. All employees are required to report any accident or incident resulting in an injury or illness, even if an employee only received first-aid treatment, to their supervisor immediately.
2. A First Report of Injury form (FROI) must be completed for all injuries whether or not medical treatment was sought. The FROI is used to provide the needed information to the SIF should a claim need to be filed and provides information to determine how, where, and when the accident occurred, any direct or underlying causes including unsafe behaviors, conditions, and corrective actions to be taken.

B. Medical Treatment

1. In the event that an employee is injured while at work the supervisor will conduct an initial assessment of the employee, take any immediate action necessary to address the medical needs of the employee, and ask the injured employee whether they would like to seek medical treatment. In emergency situations and if the employee appears to be in a condition where they should not be moved or need emergency services, the supervisor should call 911 immediately.
2. In the event that the employee's injury requires treatment outside of regular work hours:
 - a. Contact the supervisor to report the treatment; or
 - b. If unable to contact the supervisor, email or call and leave a message with Human Resources and then follow up with the supervisor the next work day.

C. Compensation

1. Under Idaho Workers' Compensation law, employees do not receive income benefits from SIF for the first five (5) days they are off work due to an injury, unless the injury requires overnight hospitalization or the time loss exceeds fourteen (14) days.

- a. During the first five (5) day waiting period employees may use accrued sick leave, vacation leave, compensatory time, floating holiday, or unpaid leave if no other leave is available.
 - b. If the on-the-job injury requires overnight hospitalization, no leave will be charged.
2. If the leave exceeds fourteen (14) days, the first five (5) day waiting period charged to leave balances will be returned.
 3. In the event of a work-related temporary disability in which the employee is unable to return to work beyond five (5) days, the employee may be entitled to benefits to be paid a percentage of their regular wages from Worker's Compensation. The employee can choose to:
 - a. Keep the SIF compensation payments and continue to use sick leave. Of note – if the employee runs out of sick leave to use while unable to work, the employee will be responsible for the employee portion of benefit premium payments while not in pay status.
 - b. Remit the SIF compensation payment to the City for conversion to sick leave hours. Of note - this method provides additional sick leave hours to be used to keep the employee in pay status.
 4. An employee that sustains a workplace injury or illness that requires the employee to leave work to seek medical treatment shall receive full regular pay for the date of injury. Employees are expected to return to work the same day as the injury unless the treating physician provides a written statement that the employee is not able to return to work.
 5. If an employee's worker's compensation absence qualifies as a serious health condition as defined under the Family Medical Leave Act, the City will designate the leave as an FMLA-qualifying event and the worker's compensation absence will run concurrently with FMLA.
 6. An employee, past the 5-day waiting period, actively receiving benefits, who depletes their accumulated sick leave, and is a participant in the Sick Leave Bank Program, is eligible to request sick leave bank hours. Employees will not be required to exhaust other leave types for medically necessary time off due to the original work-related injury.

XVI. Compensation (REPEALED PER RESOLUTION 2023-25)

XVII. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) of 1993 entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical

reasons. The City of Moscow is covered under FMLA and complies with all FMLA requirements.

A. Employee Eligibility:

1. To be eligible for FMLA, City employees must:
 - a. Have worked at the City for at least twelve (12) months; and
 - b. Have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the leave;
2. The twelve (12) months of employment do not have to be consecutive. Time previously worked for the City (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

B. Leave Entitlement

1. Eligible employees may take up to twelve (12) workweeks (480 hours) of leave in a 12-month period for one or more of the following reasons:
 - a. The birth of a child or placement of a child with the employee for adoption or foster care;
 - b. To care for a spouse, child, or parent who has a serious health condition;
 - c. For a serious health condition that makes the employee unable to perform the essential functions of their job; or
 - d. For any qualifying exigency arising out of the fact that a spouse, child, or parent is a covered military member on covered active duty or call to covered active duty status.
2. An eligible employee may take up to twenty-six (26) workweeks (1,040 hours) of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
3. Under some circumstances, employees may take FMLA on an intermittent or reduced schedule basis. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment or appointments to minimize disruption to the City's operations.
4. If FMLA is for the birth, adoption, or foster placement of a child, the use of intermittent or reduced schedule leave requires prior departmental approval.

C. Compensation and Health Benefits

1. Employees are required to use accrued paid leave concurrently with any FMLA. If the employee does not have sufficient accrued paid leave to cover the full time out on FMLA, the employee may utilize leave without pay (LWOP) and work with Human Resources (HR) to coordinate usage of paid and unpaid leave.
2. Holidays that occur during FMLA will be paid in accordance with the City's Holiday policy.
3. Leave accruals while on FMLA will be in accordance with the City's Sick Leave and Vacation Leave policies.
4. The City will maintain group health plan benefits for employees on FMLA. Employees on unpaid FMLA or who do not have enough accrued leave to cover their portion of premiums are responsible for arranging with the City to pay their full portion of the premium.

D. Requesting Leave under FMLA:

1. Employees should comply with departmental requirements for requesting leave and provide enough information to reasonably determine whether FMLA applies to the leave request.
2. Employees requesting FMLA should submit written or verbal notice to HR. HR will determine if an employee's need for leave qualifies under FMLA and provide the employee with any required forms, notices, and information on rights.
3. Requests for FMLA should be submitted thirty (30) days in advance of the need for leave if the leave is foreseeable. If thirty (30) days advance notice is not possible employees must provide notice as early as possible under the circumstances.

E. FMLA Certification

1. When requesting FMLA for an employee's own serious medical condition or to care for a family member with a serious medical condition, healthcare certification is required and must be received by HR within fifteen (15) calendar days of the FMLA start date, or as soon as practical.
2. Employees do not have to share a medical diagnosis but must provide enough information to determine if the leave qualifies for FMLA protection. A statement or document(s) from the health care provider for the individual being treated should include the following information for supporting the FMLA request:

- a. Contact information for the certifying health care provider.
 - b. The date the serious health condition began and how long it will last.
 - c. Appropriate medical facts about the condition such as symptoms, hospitalization, or doctor's visits.
 - d. For leave for the employee's own serious health condition, information showing that the employee cannot perform the essential functions of the job.
 - e. For leave to care for a family member, a statement establishing the family member needs care, an estimate of when and how long the leave is needed.
 - f. For leave that needs to be taken in short blocks of time, an estimate of how much time will be needed for each absence, how often absences may occur, and information establishing the medical necessity for taking intermittent leave or requiring a reduced schedule.
3. When requesting leave for a qualifying exigency for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the Military FMLA start date, or as soon as practical. This certification will be provided using the Department of Labor (DOL) "Certification of Qualifying Exigency for Military Family Leave."
 4. When requesting leave for a serious injury or illness of a covered member for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the leave start date, or as soon as practical. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.
 5. If FMLA or Military FMLA certification is deemed incomplete or insufficient, the employee will be advised in writing of what additional information is necessary to make certifications complete and sufficient. Employees must return revised medical certifications to HR within the date specified.
 6. The City may require employees to obtain a second medical certification from a health care provider that is selected and paid for by the employee's department. See Chapter 8. Section XVIII of the City's Personnel Policy, Fit for Duty, for additional processes guidelines.
 7. If FMLA or Military FMLA is requested for an employee's or their family member's serious health condition that continues beyond a single leave year, employees shall provide HR with new medical certifications each leave year.

F. Job Restoration

1. Upon return from leave under FMLA, an employee must be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.
2. Employees who return from FMLA retain all benefits they accrued prior to the start of leave. They also will receive any City-wide pay increases distributed during their period of leave.
3. The City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

XVIII. Fit for Duty

- A. Applicants to whom a conditional offer of employment has been extended and current employees may be required to undergo medical tests, procedures, or examinations whenever there is a question of the employees' ability to perform their job responsibilities in a safe, secure, productive, and effective manner.
- B. Successful applicants for employment may be required as a condition of employment to pass a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If the manager determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made are to be examined.
- C. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthy conditions, requests an accommodation for a disability, or has a questionable ability to perform their duties on the job for which they are being considered.
- D. Medical examinations required by the City will be paid for at City expense and must be performed by a physician or licensed medical facility designated or approved by the City. Medical examinations paid for by the City are the property of the City, and the examination records are to be treated as confidential and held in separate medical files.
- E. However, records of specific examinations, and if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, and/or the employee's doctor.
- F. Employees who need to use prescribed drugs or narcotics while at work must report this necessity to their supervisor if the use of such prescribed drugs might reasonably be expected to impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, forbidden to perform certain tasks, or even prohibited from working if they are judged by their supervisor unable to perform their job safely and properly while taking prescribed drugs.
- G. The City reserves the right to require acceptable confirmation of the nature and extent of any illness that requires an employee to be absent from scheduled work. Employees returning from a disability leave of absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves, the public or their fellow employees. The City reserves the right to require a second and, if necessary,

third medical opinion regarding an employee's absence because of illness or injury. Any required second or third opinions will be paid for by the City.

H.A. Employees who become ill on the job or suffer any injury, either of which is related to work, no matter how minor, must report to their supervisors, who will arrange referral for examination and treatment, as circumstances require and who will record the incident. Time spent by an employee in obtaining this medical attention will be considered hours worked for pay purposes. The cost of medical treatment sought will initially be covered by the employee's insurance and may later be reimbursed to the employee pending worker's compensation claim (if appropriate) or by the City at request of the employee.

H.B. An injured employee's supervisor, manager, or medical personnel are authorized to direct the employee to be transported to a medical facility for treatment. Human Resources is responsible for developing and directing programs concerning employee health and safety.

XIX. Return to Work – Light Duty

The City may allow employees who have been injured or who are seriously ill and cannot return to full duty due to physical limitations to return to a temporary light duty assignment as determined by the department head in consultation with Human Resources. Upon release to full duty, employees are not eligible for a temporary light duty assignment.

A. The City may allow an employee to return to a temporary light duty assignment for a period not to exceed six (6) calendar months, in cases where:

1. There is legitimate temporary light duty work available without displacing another employee;
2. The employee is qualified to perform the essential functions of the light duty work assignment; and
3. The employee's health care provider releases the employee to perform light duty work.

B. Employees currently on a Performance Improvement Plan (PIP) are not normally eligible for light duty work assignments for off-the-job injuries or illnesses.

1. If a light duty work assignment is approved under ADA requirements or other exceptional circumstances, the PIP timeline and expectations may be adjusted to ensure a fair evaluation period.

- C. Employees serving an initial introductory period are not normally eligible for light duty work assignments for off-the-job injuries or illnesses.
1. If a light duty work assignment is approved under ADA requirements or other exceptional circumstances, the introductory period timeline and expectations may be adjusted to ensure a fair evaluation period.
- D. Temporary light duty work assignments will be evaluated in thirty (30) day increments. The temporary light duty assignment will end at any time within the evaluation period if the conditions above are not met and/or at the discretion of the department head in consultation with Human Resources.
- E. In unusual cases, such as where the employee is undergoing therapy and the employee is an active and committed participant in the therapy and the expectation of a recovery allowing the full performance of the essential job functions is verified by the employee's health care provider, the light duty may be extended upon approval by the City Administrator.
- F. In cases where a temporary light duty assignment is not available, the employee may remain on Workers' Compensation if the injury or illness was classified as an on-the-job accident or illness and has been processed through the City's Workers' Compensation insurance. During such time, the employee may use accrued leave in accordance with policy section XV. Workers' Compensation or request a medical leave of absence. Leave(s) must be coordinated through Human Resources.
- G. When a temporary light duty assignment is not available or the time limitation has been met as outlined in XIX.A, and the injury or illness was not classified as an on-the-job accident or illness the following options are available to the employee:
1. Return to work in the same job held previously, performing the full duties of the job, with a physician's release.
 2. Reassignment to another position available in the City, for which the employee possesses the minimum qualifications, and the essential functions of which the employee is able to perform. Availability shall be determined by the human resources manager and the department manager(s) involved. Reassignment to a position in a different department must be approved by the City Administrator.
 3. Return to the same job held previously with reasonable accommodation to help in the performance of the essential functions.

4. Medical leave of absence (either using accrued leave or leave without pay if leave accruals have been exhausted or are not applicable).
5. Apply on a competitive basis for any open position in the City.
6. Retirement or other separation from City employment.

XX. Emergency Closures

The City ~~understands~~recognizes that extreme weather events, power outages, natural disasters, inelement weather and other unforeseen emergencies ~~can~~may require the closure of City facilities and services ~~and affect the ability for City operations to be open and services to be available.~~ It is the policy of the City to ~~provide timely information to City employees and the community concerning the status of City offices as a result of weather conditions or emergency situations.~~

~~In the event of inelement weather or other unforeseen emergencies~~ When required, the City Administrator, or authorized designee, will determine whether an emergency closure of City facilities and services is required ~~and communicate appropriately any impact to normal City operations which necessitates the delayed opening, or the closing of a City building, facility, or service during normally scheduled business hours.~~ Essential employees are to report to work as normally scheduled or as required in the event of inelement weather or other emergency situation. The decision to declare an emergency closure shall be communicated to all department managers, who shall inform their employees.

A. Essential Employees:

There are certain critical City ~~operations~~facilities and services that cannot be suspended or interrupted to ensure the continued safety and delivery essential services to ~~of~~ the community. ~~Essential employees are employed in positions and/or departments which require they provide essential services to the public or provide direct leadership or support, regardless of environmental factors.~~ Essential departments, identified below, typically operate on a 24-hour ~~day~~-rotating schedule or play a critical role in maintaining the provide public safety and/or essential services of the City. Essential employees scheduled to work during an emergency closure shall report to work during their scheduled shift unless otherwise directed by their supervisor.

1. Police Department: All sworn personnel are designated as essential employees. Non-sworn employees may be designated as essential at the discretion of the Chief of Police ~~and City Administrator.~~
2. Fire Department: All fire public safety personnel are designated as essential employees. Public safety administrative employees may be designated as essential at the discretion of the Fire Chief and City Administrator.

3. Public Works: The Deputy City Administrator and City Administrator will determine which departments or employees within Public Works are designated as essential employees.
- 4.1. Information Services: All IS personnel are designated as essential employees to ensure that communication equipment and other City technology remains functional. The Information Services Manager may determine if services could be maintained via remote or if on-site monitoring is required.
- 5.2. Other personnel may be designated as essential based on the nature of the emergency situation.

A. Non-Essential Employees:

Non-essential employees include all other employees not defined as essential employees herein. Non-essential employees shall not be required to report to work for the duration of the emergency closure. Non-essential employees who report to work prior to the announcement of the emergency shall be allowed to return home.

B. Emergency Closure Compensation

1. If a City facility or service is suspended for an entire work day, or portion of a work day, non-essential employees who are scheduled to work during an emergency closure on that day, will shall receive their regular pay for the duration of the emergency closure and shall will not be required to use vacation leave, sick leave, or compensatory time paid leave. Non-essential employees shall record their normally scheduled shift during an emergency closure as regular hours on their timesheet.
2. Employees not scheduled to work during the emergency closure shall not be eligible to receive additional compensation (regular or overtime pay) during the emergency closure.
- 2.3. Employees already approved scheduled for paid time off (i.e. on vacation, sick leave, compensatory time, etc., including FMLA) leave during the emergency closure shall use the approved paid leave and will continue to use the scheduled paid time off and are not shall not be eligible to receive regular pay for additional compensation (regular or overtime pay) during the emergency closures.
4. If non-essential employees decide, on their own accord, to remain at work during the emergency closure, and it is safe for them to do so, they shall be compensated at their normal hourly rate and shall not be eligible for overtime compensation.
- 3.5. Employees may be asked to work remotely, when feasible, to the extent possible during an emergency closure. Employees who work remotely during an emergency closure shall not be entitled to additional pay or overtime for

~~hours worked during their regularly scheduled workday—an extreme weather event and when doing so shall not be entitled to extra pay or overtime for such hours worked during the regularly scheduled workday.~~

~~4.6. Essential employees required to work during their regularly scheduled hours will be compensated at a rate of one and one half (1 ½) times their regular hourly rate for hours worked during the emergency closure. If an essential employee is dismissed for any portion of their scheduled shift during an emergency closure, they will be paid at their regular rate for any remaining scheduled shift hours. If an essential employee is unable to report to work during an emergency closure, they must take paid leave to cover their regularly scheduled shift.~~

~~5.7. If the City remains open on an adverse weather day or other unforeseeable event, but an employee elects not to work or is unable to report to work due to school/daycare closures and/or road conditions they should notify their supervisor(s) as soon as possible. All employees are expected to assess their personal safety when commuting to work and act accordingly. If the City remains open during adverse weather or another unforeseeable event, but an employee is unable, or elects not to work, due to school/daycare closures and/or road conditions, the employee must notify their supervisor as soon as possible.~~

Employees who are unable to report to work may:

- a. Request use of available ~~vacation, comp time, or personal holiday paid leave (excluding sick leave).~~
- b. If eligible, ~~may~~ request to work ~~remotely from home, subject to supervisor approval. Work from home will only be granted at the approval of the supervisor.~~
- c. If an employee does not have available paid leave to cover this time off, ~~leave no paid leave is available, the time~~ may be recorded as leave without pay, ~~subject to approval as approved~~ by the City Administrator.

~~6. All employees are expected to make their own decisions regarding their personal safety while commuting to work and act accordingly.~~

Chapter 9 - Records

I. Payroll and Time Records

- A. Employees are paid every two weeks throughout the year. All paychecks are distributed by direct deposit with paystubs issued on every payday. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
- B. Each non-exempt employee is responsible to accurately record time that they have worked following the procedures established by the Finance Department - Payroll Office. Each report of non-exempt employees must be signed manually or electronically by both the Supervisor and the employee. It must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Any changes to the time record made by a Supervisor or the Payroll Office to correct mistakes must be acknowledged by the employee. Exempt employees may be required to document time worked or benefits used for accountability purposes.
- C. Employees may not falsify their timesheet or alter another employee's timesheet in any way. Employees must not under or over report hours worked by themselves or other employees, or conceal any falsification of time records, even if instructed to do so by a supervisor, manager, an Elected Official, or another person. If instructed to do so, the employee must immediately report it to the City Attorney.
- D. Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes occur. Each employee must monitor the accuracy of compensation received and review their paper or electronic paycheck stub when received to make sure it is correct. The information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with the City's official policy. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the City Council, the policy will prevail. Employees are obligated to call the City's attention by notifying payroll to any such errors, whether to the employee's advantage or disadvantage. When mistakes are made and are called to the City's attention, the City will correct the error as soon as possible.

II. Personnel Files

A. Personnel Records

- 1. The official employee records for the City will be kept in the Human Resource Office.

2. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the City.
3. The employee's supervisors and the employee them self may contribute materials to the personnel files deemed relevant to the employee's performance.

B. Access to Personnel Files

1. Only the employee's supervisors, attorneys for the City, Human Resources staff, and the employee are authorized to view materials in a personnel file. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the City or upon receiving written consent by the employee.
2. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the City, or pursuant to a Court order or a proper subpoena.
3. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.
4. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

C. Employee Responsibility

1. Employees have a responsibility to make sure their personnel records are up to date and should notify Human Resources in writing as soon as possible of any changes in at least the following areas:
 - a. Name
 - b. Current address
 - c. Social Security Number or other tax identification number
 - d. Marital status
 - e. Number of withholding allowances (dependents)
2. This information is required for the City to properly process and report W4 and W2 information as required by the Internal Revenue Service.

III. Management of Information In Personnel Files

Each employee may contest the contents of their personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. It is the sole judgment of the City Administrator or designee, after consultation with Human Resources and City Attorney, to determine if any material may be removed from a personnel file. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

Chapter 10 - Operational Policies

I. Conflicts of Interest

The City prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the City. Since it is impossible to describe all of the situations which may cause or give the appearance of a conflict of interest, the prohibitions which may cause or give the appearance of a conflict of interest, include but are not limited to the following examples.

- A. Employees are expected to represent the City in a positive and ethical manner and have an obligation both to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor or manager.
- B. Employees are not to engage in, directly or indirectly either on or off the job, any conduct which is disloyal, disruptive, or damaging to the City.
- C. Employees and their immediate family are not to accept gifts, (except those of nominal value), or any special discounts or loans from any person or firm doing, or seeking to do, business with the City.
- D. Employees are not to give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, of a potential customer, or of a financial institution in connection with any transaction or business that the City may have with that customer, potential customer, or financial institution.
- E. While actively employed, employees shall not:
 1. Hold any City of Moscow elective office. (Employees may run for any City of Moscow elective office; but, must resign their City position if elected and prior to being sworn into such elective office.)
 2. Engage in any campaigning or circulating political petitions while on the job;
 3. Use any City funds, resources, time supplies or equipment for political purposes;
 4. Participate in any political activity while wearing any uniform or part of any uniform associating them with their City employment.

II. Outside Employment

- A. The City may allow its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.
- B. The City requires that employee's activities and conduct away from the job must not conflict with or compromise the City's interests, or adversely affect job performance and the ability to fulfill the employee's responsibilities to the City.

This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City personnel. This prohibition also extends to the unauthorized use of any City tools or equipment. In addition, employees are not to solicit or conduct any outside business during paid working time.

C.A. Full-time employees are not encouraged to engage in outside employment or other work activity, but may be permitted to do so if granted permission. Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to respond to the specific problems.

D.B. All employees, including part-time employees, must obtain prior approval from their manager before any outside employment or other work activity is undertaken. Failure to do this may result in disciplinary action. To request approval, complete the Outside Employment Form, available from Human Resources.

E.C. The request should state any pertinent information about the outside employer, the nature of the job, and the hours of employment. The manager should then either approve or disapprove the request and forward to Human Resources for inclusion in the employee's personnel file.

F.D. This form must be reviewed and approved by the employee's supervisor, deputy city administrator, and Human Resources. Decisions of approval or disapproval, at all levels, are final.

G.E. The following factors are examples of when an Outside work requests may not be approved:

1. May reduce the employee's efficiency in working for the City.
2. Involve working for an organization that does business with the City, such as contractors and suppliers.
3. May create a potential for CONFLICT OF INTEREST.

H.F. Employees who have accepted outside employment are not eligible for paid sick leave if the absence is used to work on the outside job or is the result of an injury sustained on the outside job. Fraudulent use of sick leave or personal absences will result in disciplinary action.

I.G. Any employee who is injured or becomes ill while working on any outside job must report the injury or illness to their supervisor.

III. Business Travel

Business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

- A. Employees holding jobs that require some travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.
- B. Supervisors must approve any employee travel in advance.
- C. The City may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most expedient mode of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- D. Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
- E. Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor. Employees who know or anticipate that they will have a special request for travel expense reimbursement should seek approval for the expense from their supervisor before the expense is incurred. Any travel expenses deemed unreasonable relative to the circumstances will not be paid or reimbursed and are the employee's personal responsibility.
- F. Employees may obtain a cash advance for travel expenses in accordance with the adopted per diem schedule by submitting a written request to their supervisor. When city employees receive an advance for per diem, they are not required to keep receipts of their use of the per diem.
- G. Meal expense amounts paid by credit card shall comply with the approved per diem rate of the travel location.
- H. Time spent by non-exempt employees in traveling away from home on City business during normal working hours is considered hours worked for pay purposes.
- I. Employees traveling on City business are representatives of the City and are expected to maintain a high level of professionalism and follow all of the City's policies and rules.

IV. Use of Communication Systems

Communications systems necessary to promote the efficient conduct of its business will be provided.

- A. The City Communications System includes but is not limited to the following: mail; electronic mail; courier services; facsimiles; computers; computer networks; on-line services; computer files; intercom systems; video equipment; recording devices and recordings; pagers; two-way radio equipment; phones; and cellular phones.
- B. Supervisors are responsible for instructing employees on the proper use of The City Communications Systems used by the organization for both internal and external business communications.
- C. No employee shall have any expectation of privacy in any message, file, image, or other form of data created, sent, received, accessed, or in the City's Custody or control, by use of the City's Communication System, which includes GPS data. All City equipment used for communication, including the messages transmitted or stored, and the location of where the messages are transmitted, are the sole property of the City. Supervisors and/or managers may access and monitor employee use of the City Communication Systems and files, as considered appropriate. Some City issued systems and devices have the ability to include GPS tracking data. The employee has no expectation of privacy as it relates to the GPS data stored on any City issued system or device when such device is used for work or personal reasons.
- D. Authorized personal use of the City Communication System includes uses made by City employees where such use:
 - 1. Does not adversely affect the performance of the City Communication Systems;
 - 2. Creates no significant additional cost to the City, however, personal long-distance calls and personal use of City-issued cellular phones are prohibited;
 - 3. Is of reasonable duration and frequency, and whenever possible, made during employee's personal time (such as breaks or the time before and after a shift);
 - 4. Has little impact on the employee's or other employees' productivity or ability to perform their assigned duties.
- E. While at work, employees are to exercise discretion in using City Communication Systems or personal devices such as cellular phones. Excessive personal use of any communication systems or personal devices during the work day interferes with employee's productivity and can be distracting to others; therefore, excessive personal use (regardless of the system used) during an employee's workday is prohibited.
- F. Users of the City Communication Systems shall obey all pertinent federal, state, county, and local laws and ordinances.
- G. While at work, public safety employees (police and fire) are expected to operate vehicles and other equipment in a safe manner and shall not utilize any device in a manner that interferes with the safe operation of the vehicle/equipment. Public

safety employees shall not operate any non-City issued Communication System devices while operating a vehicle/equipment.

- H. While at work, non-public safety employees shall not operate any device while driving a motor vehicle or operating equipment. Non-public safety employees who receive a cell phone call or text message while driving a motor vehicle or operating equipment are required to stop the vehicle/equipment in a safe location so that communication occurs while the vehicle/equipment is stopped. The use of hands-free technology and the use of vehicle installed two-way radio equipment is acceptable as long as it does not interfere with the safe operation of the vehicle/equipment. This section shall not apply to employees who are passengers in a motor vehicle.
- I. Improper use of City Communication Systems equipment will result in discipline, up to and including termination. Improper use for the purposes of this policy includes, but is not limited to: playing computer games, sending any harassing, offensive, demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages, materials, or data.

V. Vehicle Use

This Policy applies to all employees and City volunteers (those that volunteer on a regular basis, not one-time volunteers) who operate vehicles on City business. Activities of these employee drivers will be reviewed by supervisors to ensure full implementation and compliance of this Policy.

- A. Employees operating City-owned or leased motor vehicles shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both City-owned property and the public trust.
- B. Employees are expected to operate vehicles safely. It is the policy of the City to provide a safe working environment that protects City employees and citizens from injury and property loss. The City considers the use of vehicles part of the working environment and is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss.
- C. Some City vehicles may be equipped with GPS capabilities where at any given time the vehicle may transmit and the City may utilize the GPS information to identify where the vehicle is located or historical information as to where the vehicle has been. Employee has no expectation of privacy as it relates to the use of the City vehicle and as it relates to the electronic information the vehicle may store or transmit. The City has the discretion to utilize this information for any use it determines appropriate.

D. Authorized Use

- 1. Employees must be authorized by their supervisor to operate a City vehicle.

2. Vehicles owned or leased by the City are to be used for the approved functions of the City. Personal use, use by a person not employed by the City, or any other type of use must be authorized.
 3. The City Street/Vehicle Maintenance Manager is entrusted with the care and keeping of the vehicles and may assign that responsibility to an employee.
 4. Some employees may be assigned the use of a City vehicle that is driven home. Such personal use, if allowed, may be a taxable benefit.
 5. Vehicles over 26,000 gross vehicle weight, buses, and vans over fifteen (15) passengers require a commercial driver's license (CDL). Members of the Moscow Volunteer Fire Department are exempt from the CDL requirement per Idaho Code § 49-302(3).
- E. Employees who drive their personal vehicles on City business are subject to the requirements of this Policy including:
1. Maintaining auto liability insurance with minimum state limits.
 2. Maintain their vehicle in a safe operating condition when driven on City business.
- F. Assigned or Permitted Drivers
1. Each employee assigned to a City vehicle or employees who operate a City vehicle or personal vehicle while conducting City business is required to have a valid driver's license. Should an employee's driver's license expire, be revoked or suspended, the employee shall immediately notify their supervisor. During the entire time of the revocation or suspension, the employee's City vehicle-use privileges will be suspended. Under no circumstances will such an employee operate a City vehicle until the employee's driver's license has been fully restored and validated.
 2. Each employee assigned or permitted to operate a City vehicle shall be responsible for the proper and safe operation of the vehicle.
- G. To evaluate employees as drivers, management may:
1. Review past driving performance and work experience through reference checks with previous employers;
 2. Review the employee's driver's license record (DLR);
 3. Ensure the employee has a valid driver's license; and
 4. Ensure that the employee is qualified to operate the type of vehicle they will drive.

- H. Seatbelt Use - Except as specifically authorized herein, all drivers and passengers are required to utilize seatbelts as mandated by law. Exception: City sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seatbelt would hinder rather than increase safety. Idaho Code § 49-673(2)(b).
- I. Mobile Communication Device, Cell Phone and Computer Use - Except as specifically authorized herein, the driver of a City vehicle, or any other vehicle being used for City business, is prohibited from using a mobile communication device, cell phone or computer of any type while the vehicle is in motion. Drivers must be safely parked before using phone or mobile computer equipment. For purposes of this section of this Policy, a mobile communication device is defined as “a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication”. This section of this Policy does not apply to City work-related two-way radios. Exception: Moscow Volunteer Fire Department Command Staff may use mobile communication devices in specific tactical situations. City sworn law enforcement officers may use mobile communication devices in specific tactical situations or as otherwise authorized by the Chief of Police.
- J. Smoking Prohibited in Vehicles - Smoking is expressly prohibited in all City vehicles.
- K. Impaired Driving - No driver shall operate a City or a personal vehicle while on City business when their ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal or intoxicating substances, prescribed or over-the-counter medication, or illness, fatigue or injury. The employee driver is obligated to report to their supervisor any reason that may affect their ability to drive safely.
- L. Proof of Insurance - Employee drivers must make sure that the current insurance card is kept in the vehicle at all times.
- M. Accident Reporting
1. In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention (should it be required for themselves or others).
 2. Drivers shall always report any incident that involves a City vehicle or an instance when driving a personal vehicle while conducting City business to the police. This will help ensure that the employee and the City are protected from unwarranted claims. No driver or passenger should discuss fault with or sign anything from anyone except for a police officer, a representative from the City’s insurer, or an authorized representative of the City.

3. Vehicles should be left at the scene of the accident until police arrive. If there is an immediate danger or hazard, the vehicle should be moved to a safe location out of the way of traffic.
 4. Drivers and/or the Drivers emergency contact, shall notify their supervisor as soon as possible of the accident and report on the required City form the extent of the injuries and property damage involved notifying the City Clerk in order to complete the applicable and required forms within five (5) working days, unless additional time is required due to the extent of the employee's injuries and inability to complete the required forms within five (5) working days. The supervisor may need to assist with completing the required forms.
 5. Drivers should refer to the Drug and Alcohol Testing Policy as in the event of an accident drug and alcohol testing may be required.
 6. Drivers shall cooperate fully with the City and the claims department of the City's insurer during the handling of the claim.
- N. Traffic Violations - All fines and other criminal penalties resulting from violations of the law by the driver are the personal responsibility of the driver of any City vehicle. These costs are not reimbursable by the City and must be paid promptly by the driver.
- O. Vehicle Registration, Maintenance and Repair
1. If the City vehicle needs repairs, the vehicle should be scheduled for repair.
 2. Maintenance of the vehicle registration, license plates and inspections are the responsibility of the Street/Vehicle Maintenance Manager.

VI. Social Media

- A. The City of Moscow's use of social networking is for the primary function of communicating and delivering information directly to the public about government matters.
- B. Personal social media accounts should not be utilized for City business and is not approved to be utilized for City business. To the extent an employee, elected official, commission member, or anyone appointed to conduct City business utilizes a personal account for City business, they are responsible for maintaining those records and providing those records for public record requests or potential lawsuits or litigation.
- C. In terms of personal use, it is not the intent of the City to restrict an employees', agents' or officers' First Amendment rights, but rather to ensure that Content posted by employees, agents or officers clearly reflect that those comments are personal and not being made on behalf of the City unless authorized by the City.

VII. Confidentiality

Supervisors and managers are responsible for and entrusted with all confidential information that is maintained by their respective departments or routed through their departments. Confidential information includes but is not limited to sensitive information pertaining to members of the city, community, and personnel records maintained by Human Resources. Confidential information must be maintained in secured files at all times when not in use, and may not be duplicated, shared, or distributed without prior written authorization from the assigned supervisor or department head, except where expressly provided for in City policy or written departmental rules or procedures.

Employees shall refrain from disclosing, requesting, or discussing information related to confidential internal meetings, work incidents, or other confidential information with the public or other employees who do not have a legitimate business need for the information. Confidential information will be shared only with employees or members of the public for legitimate business reasons, or as required by the Idaho Public Records Act or other state or federal laws, court orders, or subpoenas. Except where expressly provided for in City policy or written departmental rules or procedures, before disclosing any confidential information to another employee or the public, employees must obtain written authorization from their assigned department head or the City Attorney, or their designees, to release the requested confidential information. Violation of this policy may result in disciplinary action up to and including termination.

All employees and public officials are required to complete a Confidentiality Agreement at the time of hire and then every three (3) years. Unpaid interns, or volunteers may be required to complete a Confidentiality Agreement based on the nature of their role with the City.

VIII. Artificial Intelligence Employee Use Policy

Artificial Intelligence (AI), or the capability of large language computer models to perform tasks that normally require human intelligence, such as learning from data, recognizing patterns, understanding language, and solving problems, is an emerging technology that may be useful for certain tasks, but it must be utilized with due caution and in accordance with this policy. AI models are known to produce inaccurate information, generate false or misleading information, and produce convincing fabrications and false data sources. The use of AI technology cannot replace the professional knowledge and expertise, critical thought, analysis, and decision-making of employees in the workplace. If employees choose to utilize AI tools to assist in work tasks, the employee remains personally responsible and accountable for the accuracy and authenticity of the work product.

City employees have access to privileged, sensitive and confidential information that may not otherwise be publicly available. Many AI technologies collect, store, and analyze submitted data and information for a variety of potential commercial and other

purposes. The City of Moscow and City employees have a duty to safeguard privileged, sensitive and confidential information, in compliance with applicable state and federal privacy and security laws.

Not all the positions within the City will be permitted to utilize AI technology for a variety of factors, to include ethical obligations, professional obligations, and legal implications. If Employees choose to use AI technologies to assist in performing their work duties, employees must adhere to the following AI use requirements prior to any AI use:

- A. Discuss the scope and proposed use of AI technology with their supervisor. Supervisor will be required to determine if the proposed use is appropriate. An employee's failure to inform their supervisor of the use of AI technologies in the performance of their duties may result in disciplinary actions.
- B. All City employees authorized to utilize AI technologies shall be required to complete the AI training and are expected to use generative AI technologies in a responsible and ethical manner and consistent with any parameters established by their supervisor and/or separate department policy. This includes safeguarding privileged, confidential, privacy and personal data, ensuring the technology is used only for lawful and beneficial purposes, avoiding deceptive or harmful applications, and promoting transparency and understanding of the technology's capabilities and limitations.
- C. Staff may not use AI technology without prior approval of their supervisor and verification that all required training has been completed.
- D. All employees who are approved to utilize AI technologies in the performance of their job duties shall comply with the following requirements:
 1. AI technologies shall not be used to replace the knowledge, expertise, judgment and decision-making of an employee.
 2. Employees shall be responsible for any AI-generated work product they elect to use or generate. Employees must still make any discretionary decisions necessary in the performance of their job duties.
 3. When using AI-generated content that contains technical information or computations, employees must independently verify the information generated by verifying the AI-generated content against at least one reputable, reliable, and verifiable source. It is important to remember that AI technology can provide inaccurate, unreliable, or incomplete information.
 4. Employees shall not upload any Personal Identifiable Information and/or confidential or sensitive information (such as names, social security numbers, dates of birth, financial account information, health information, biometric

records, addresses, private phone numbers, and other similar information) into any AI tool. If employees are not certain whether information is confidential or sensitive, they must consult with their supervisor before uploading any data into any AI tool.

5. If employees utilize AI technology to create or generate imagery, videos, or other visual or audio simulations, the use of AI technology must be disclosed, and the AI-generated image or video must contain a printed disclosure on the image or video material clearly indicating that the image or video is AI-generated.
6. Employees' use of any AI technology is subject to all City policies and procedures.
7. AI technology may not be used to assist in any employment decision (e.g., any decision relating to the hiring, conditions of employment, wages, disciplinary control, or termination of an employee).
8. If AI technology is utilized in the preparation of any formal or technical report that is relied upon for the development of City policies, programs, regulations, laws, or other actions, employees must disclose that the content was created with AI with a written reference and disclaimer within the report or document.
9. Misuse of AI technologies or violation of this policy by City staff may result in corrective and/or disciplinary action.