



MEMORANDUM

To: Administration/Public Works Committee Members
Cc: Mayor Bowlin and other City Council Members

From: Ryan S. Thomas, City Administrator

Date: January 6, 2017

Re: Employee Policy on Political/Public Policy Matters

Background

Currently, the City Charter, City Code and Handbook of Personnel Policies and Procedures all have provisions prohibiting employees from participating in certain political matters as follows:

City Charter Section 11.3 – Political Activity

No City employee shall solicit any contribution for the campaign fund of any candidate for Wildwood City office or take part in the political campaign of any candidate for City office. All employees may exercise their rights as private citizens to express opinions and, if registered qualified voters in Wildwood, to vote in any City election. Political affiliation, participation or contribution shall not be considered in making any City employment decision. No City officer, board member, Council member, commission member or employee shall use official authority or official influence for the purpose of interfering with or affecting the result of an election to City office. No City officer, board member, Council member, commission member or employee shall directly or indirectly coerce, attempt to coerce, command, advise or solicit a City employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for the political or electoral purposes of any candidate for City office.

City Code Section 115.170 – Municipal Political Activity Prohibited (City Administrator)

The City Administrator shall not use official authority or influence for the purpose of interfering with any election. While retaining the right to vote as he/she pleases, he/she shall take no active part in any political campaign or lend support to or oppose the candidacy of any person seeking elective office in the City of Wildwood.

Handbook of Personnel Policies and Procedures Section 4.4 – Political Activities

- a. City employees may exercise their rights as private citizens to express opinions and, if qualified, to vote in all elections.
- b. No City employee shall solicit any contribution for the campaign fund of any candidate for Wildwood City office or take part in the political campaign of any candidate for City office. In addition, City employees are also prohibited from soliciting, selling, or handling any political contributions, or from displaying any political badges, buttons, or signs related to any political election or issue on their persons while on City business or property.
- c. While political bumper stickers and posters may be displayed on private vehicles parked in employee areas, such material, pamphlets and buttons may not be displayed on City vehicles or City property.

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As you will note, the current provisions in the City Charter, City Code and Handbook of Personnel Policies and Procedures are very specific to prohibiting involvement in the political campaign of candidates for City office, and do not specifically prohibit involvement in general matters of a political nature. In surveying other areas municipalities, their respective codes or policies have very similar language.

If desired, additional language could be incorporated into the attached Employee Conduct Chapter of the Handbook of Personnel Policies and Procedures or another policy document, which would expand and/or better define prohibited employee conduct related to political or public policy matters. However, there would be a number of factors to consider in developing said language, such as an employee's first amendment right to express their opinion as a private citizen and the nature of a specific employee's job function to provide (or not provide) their professional opinion on certain matters.

If the Committee wishes to pursue this matter further, I will request the City Attorney to develop appropriate language to address other political/public policy matters, and present that information at the February 7, 2017 Committee Meeting.

I will be available for any comments or questions at the January 10, 2017 Administration/Public Works Committee Meeting.

RST

Chapter 4

EMPLOYEE CONDUCT

- Article I. Conduct on the Job**
- Article II. Anti-Discrimination and Anti-Harassment Policies**
- Article III. Use of Equipment/City Property**
- Article IV. Drug and Alcohol Requirements**

ARTICLE I. CONDUCT ON THE JOB

Section 4.1 Code of Ethics

As an employee of the City, the safety and welfare of the citizens of the community is central to your mission. All employees are expected to uphold the highest standards of conduct, representing the City in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment as determined by their position and supervisor. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, employees must avoid engaging in: activities which create or imply a conflict of interest; activities which create or imply an appearance of impropriety; dishonesty; unauthorized use of City funds or property; inappropriate use of influence relative to their position; or other improprieties of a similar nature.

Violations of this policy may be grounds for disciplinary action, up to and including termination.

A. Standards of Conduct

1. No city employee who seeks appointment or promotion to any City position shall, directly or indirectly, give anything of value to any person to secure such employment.
2. City employees shall not grant special consideration, treatment or advantage to any person beyond that which is available to every other person.
3. City employees shall cooperate fully in any criminal or administrative investigation, unless to do so would violate a constitutional right.
4. City employees shall use good judgment in releasing information, and whenever there is any doubt about confidentiality, shall submit the request for information to the City Administrator for a response. In general, matters pertaining to personnel and litigation are not public information.

B. Conflicts of Interest

1. No employee shall accept or be influenced in their duties by an offer of any payment, gift or favor from any source other than their regular compensation from the City. It is particularly important that employees refrain from accepting gifts where it might be construed as evidence of favoritism or unfair advantage relative to any supplier or vendor. These limitations are not intended to prohibit the acceptance of:
 - a. small gifts of no significant value, such as pens, pencils, note pads and other items which can be used in the performance of work duties, and
 - b. non-alcoholic consumable articles such as food, of no significant value, that can be shared equally on the City premises by all employees.
2. No employee shall engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties.
3. City employees who have a financial or other private interest in any proposed City legislation shall immediately disclose the nature and extent of such an interest to the City Administrator.
4. No employee shall use, or permit the use of, City property or equipment for any purpose except the conduct of City business unless given express permission by their Department Head with the approval of the City Administrator, or the City Administrator.
5. No employee shall engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible with or creates a conflict of interest with their official duties, creates the appearance of impropriety, or interferes with their work performance as a City employee.
6. No employee shall accept outside employment without first notifying in writing the City Administrator. Each change in outside employment requires a separate notification. This is necessary to avoid any potential conflict of interest.

C. Endorsements and Referrals

1. Employees of the City are often in positions of influence and are asked for referrals to recommend products and services. While employees may discuss names of the City's suppliers, employees shall provide only objective information regarding suppliers: the name of the supplier; the service, work or items provided; and the dates on which the service or work occurred.

2. No products or services shall be commercially endorsed by the City or any employee serving in their official capacity. This prohibition extends to testimonials or advertisements that use the individual's name, official title, likeness, or any other characteristic identifying them as an employee of the City.

Section 4.2 Work Rules

The orderly and efficient operation of the City government requires that employees adhere to uniform work rules and high personal standards of conduct at all times. Any employee who fails to maintain proper standards of conduct or who violates any of the following work rules will be subjected to disciplinary action, up to and including termination.

The conduct listed below is illustrative and intended to provide employees with examples of prohibited conduct. Subsections A and B are by no means exhaustive lists of the obligations of City employees.

- A. The following is a list of work rules applicable to all employees.
 1. Employees must be at their appointed work place on time and actively work for the duration of their work schedule.
 2. When employees are unable to report for work due to illness or other justifiable cause, they must report their absence to the City Administrator and/or the Department Head as soon as possible in advance of or at the beginning of their work shift. In the absence of directly notifying the Department Head and/or City Administrator, the employee shall make every effort to personally notify the receptionist.
 3. Where applicable, employees must wear and make use of prescribed safety equipment.
 4. Employees must immediately report any on-the-job injury or accident to their supervisor.
 5. Basic tact and courtesy toward the public and employees.
 6. Adherence to policies, procedures, safety rules, and safe work practices.
 7. Compliance with directions from supervisors.
 8. Preserving and protecting City equipment and facilities.
- B. The acts listed below are examples of prohibited employee conduct:
 1. Having intoxicants, narcotics, illegal drugs, or alcohol in an employee's system or possessing or consuming intoxicants, narcotics, illegal drugs or alcohol during the work day, including lunch periods and other breaks (with the exception of the

consumption of alcohol at a City-sponsored function to which the employee has specifically been invited).

2. Stealing or negligently damaging property belonging to others.
3. Unauthorized use of City equipment or facilities for purposes other than City business.
4. Conducting illegal or improper acts on or off City premises that affect the employee's relationship to their job, fellow employees, or supervisors, or adversely affect the City's services, property, or reputation in the community.
5. Interfering with the performance of other employees' jobs or engaging in any interruption of work.
6. Neglecting one's own job duties and responsibilities, or refusing to perform work assigned.
7. Bringing firearms onto City property.
8. Falsifying any reports or records, including, without limitation, personnel, time cards, absence, accident, Workers' Compensation, and production reports and records.
9. Violating any safety rule or practice, or engaging in any conduct which tends to create a safety hazard.
10. Removing from the premises, without proper written authorization, records, City property, or other materials.
11. Behaving violently or abusively.
12. Leaving the scene of an accident in which the employee, while on duty, is involved or is a witness.
13. Improper use of the City's electronic and telephone communications systems or the Internet.
14. Engaging in harassing behavior or acting in any fashion that violates the City's anti-harassment policies.
15. Misrepresentation of information in connection with any absence from work or application for an employment benefit.
16. Failure to maintain the confidentiality of City records, under the Missouri Sunshine Law, Chapter 610, RSMo. Any questions regarding the confidentiality of a record shall be referred to an appropriate official; e.g., City Clerk or City Attorney.

17. Any act of dishonesty or any act that causes the City to be unable to invest trust or confidence in any employee.
18. Insubordination or other disrespectful conduct, including, but not limited to, refusal to obey a direct order or instruction from a supervisor, failure to perform job duties, verbal abuse, or exhibiting a derogatory attitude toward a supervisor.
19. Improper, careless, negligent, reckless, destructive or unsafe use or operation of City equipment (including any City vehicles).
20. Any conduct or behavior that violates the City's Code of Ethics policy.
21. Excessive, unexcused, or unexplained tardiness and/or absenteeism or any unauthorized leave; failure to advise of an absence or tardiness in advance, if anticipated, or failure to notify promptly if not anticipated.
22. Administering City programs in any fashion contrary to the City's EEO Policy Statement (See Article IV, Section 2.6).

Section 4.3 Outside Employment

- A. Employees of the City may hold an outside job. However, employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict in the City's opinion, with the best interest of the City or interfere with the employee's ability to perform their assigned job. Examples include, but are not limited to, outside employment that:
1. prevents the employee from being available for work beyond normal working hours, such as during emergencies or peak work periods, when such availability is a regular part of the employee's job;
 2. is conducted during the employee's work hours;
 3. utilizes the City's telephone, computers, supplies or any other resources, facilities or equipment;
 4. involves employment with a firm that has contracts with or does business with the City; and/or
 5. may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.
- B. An employee who chooses to have an additional job, contractual commitment, or self-employment may do so after providing written notification to the City Administrator before accepting such employment. Such notification should provide sufficient information to explain how the job relates to their City employment. Employees may engage and continue to engage in such outside employment so long as it does not violate one of the above provisions or adversely affect the performance of the employee's City

job. The City Administrator may require the employee to take whatever action is deemed necessary to eliminate further interference. In addition, depending on the situation, the employee may be subject to disciplinary action, up to and including termination.

- C. Any injury or illness sustained in the course of outside employment will not be covered by the City's Workers' Compensation policy. It will be the judgment of the City's third party administrator for Workers' Compensation whether such injury or illness will be covered by the City's policy or referred to the outside employer as a Workers' Compensation case.

Section 4.4 Political Activities

- A. City employees may exercise their rights as private citizens to express opinions and, if qualified, to vote in all elections.
- B. No City employee shall solicit any contribution for the campaign fund of any candidate for Wildwood City office or take part in the political campaign of any candidate for City office. In addition, City employees are also prohibited from soliciting, selling, or handling any political contributions, or from displaying any political badges, buttons, or signs related to any political election or issue on their persons while on City business or property.
- C. While political bumper stickers and posters may be displayed on private vehicles parked in employee areas, such material, pamphlets and buttons may not be displayed on City vehicles or City property.

Section 4.5 Solicitation

- A. Employees are prohibited from distributing literature and/or soliciting for any for-profit purpose during work hours (including break and meal periods) on City premises. Department Heads may grant their employees permission to distribute literature and/or solicit contributions for charitable organizations/purposes if the action is deemed positive to employee morale and if the action does not interfere with employee work time.
- B. Persons who are not employees of the City of Wildwood are prohibited from distributing literature and/or soliciting City employees or others on City premises during employee work hours without prior consent of the City Administrator at his/her sole discretion. In general, consent will only be granted for activities deemed to be conducted in connection with City business.

Section 4.6 Appearance (Dress Code)

- A. Employees of the City of Wildwood are required to present a neat and professional appearance. This applies, in general, not only to day-to-day business activity, but also to relations with others outside the immediate workplace in business contexts. Employees are expected to exercise mature discretion in appearance, dress, and demeanor.

- B. Appropriate attire depends to some extent on the nature of an individual's job and job duties. Therefore, it is not possible to list every article of clothing that is either appropriate or inappropriate. Questions as to the appropriateness of apparel or appearance should be directed to the employee's Department Head and/or the City Administrator.
- C. The City of Wildwood reserves the right to determine if an employee's attire is not in keeping with this policy, and if so, the employee may be asked to return home to change to proper attire. If the employee does not correct the situation, or if violations recur, disciplinary action, up to and including termination, may be taken.

Section 4.7 Smoking Policy

It is the policy of the City to enforce local ordinances and state laws that restrict smoking in public places to posted, designated smoking areas. For health and safety considerations, the City prohibits smoking by employees in all facilities, including City-owned buildings, vehicles and offices or other facilities rented or leased by the City, including individual employee offices.

ARTICLE II. ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES

Section 4.8 Policy Against Disability Discrimination

The City of Wildwood does not discriminate against qualified persons who have a disability. The City will provide reasonable accommodation when possible to qualified persons with disabilities to enable them to perform the essential functions of the job, in compliance with the Americans with Disabilities Act of 1990 (ADA) and all other applicable laws, provided the accommodation does not cause undue hardship. If an employee believes an accommodation is needed for a disability or to enable them to perform their job, it is their responsibility to notify their supervisor of their medical condition and of the needed accommodation in order to determine an appropriate resolution.

No employment action will be taken against an employee who has a disability and requests accommodation. No reprisals will result from an employee's request for accommodation.

Section 4.9 Policy Against Sexual, Racial, and Other Forms of Harassment

All City employees are expected to treat others with dignity and respect. The City does not tolerate harassment of job applicants, employees, vendors, citizens, or anyone else.

Policy Against Harassment:

Any form of harassment related to an employee's race, color, sex (same sex or opposite sex), gender, pregnancy, religion, national origin, ancestry, age, citizenship status, physical or mental disability, veteran status, or any other basis protected by federal, state, or local laws, will not be tolerated and is a violation of this policy that will be treated as a disciplinary matter. For these purposes, the term harassment includes, but is not limited to slurs, jokes, or other verbal, graphic, or physical conduct. Harassment includes making submission to or rejection of such conduct the basis of any employment-related decision or action, and includes creating an intimidating, hostile, or offensive working environment by such conduct.

Policy Against Sexual Harassment:

Sexual harassment of any form or nature will not be tolerated. Unwelcome sexual advances, requests for sexual favors, and any other verbal and physical conduct of a sexual nature may constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or actions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. The person being harassed, as well as the harasser, may be a woman or a man, or both may be of the same sex.

Examples of sexual harassment may include:

- Verbal harassment, including sexual remarks and sexually derogatory comments or slurs.
- Visual harassment, including sexually derogatory posters, cartoons, drawings, etc.
- Physical interference with normal work or movement.
- Unwelcome sexual touching or advances.

Violation of these policies by any employee shall subject him or her to disciplinary action, up to and including termination.

Employee Responsibility:

Each employee is responsible for assisting in the prevention of harassment in the following ways:

1. Refrain from participating in or encouraging actions that could be perceived as harassment.
2. Report acts of harassment to a supervisor.
3. Encourage any employee who confides that he/she is being harassed or discriminated against to report these acts to a supervisor.

Failure by any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decision, and may be grounds for discipline.

Procedures for Reporting Harassment:

Any employee encountering harassment based upon your race, color, sex (same sex or opposite sex), gender, pregnancy, religion, national origin, age, citizenship status, physical or mental disability, veteran status, or any other basis protected by federal, state, or local laws, is encouraged to inform the person that his/her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.

Any employee who believes that he/she is being harassed shall report the incident(s) as soon as possible to his/her supervisor so that steps may be taken to protect the employee from further harassment so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with the City Administrator, or if the complaint involved the City Administrator, the Ma

The following process will be undertaken to insure the matter is investigated and, where appropriate disciplinary action, up to and including termination, will be taken. The

supervisor or other person to whom the complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the dates on which it occurred. The employee taking the complaint shall promptly submit to the city Administrator a confidential memorandum documenting the complaint.

The City Administrator or his/her designee shall be responsible for investigating any complaint alleging harassment or discrimination. The City Administrator or his/her designee shall immediately notify the local prosecutor if the complaint contains evidence of any criminal activity, such as assault, attempted rape or rape. The City Administrator or his/her designee shall reach a determination as to whether the person is harassing other employees and whether other employees participated in or encouraged the harassment. The City Administrator or his/her designee shall inform the parties involved of the outcome of the investigation. A file of any harassment and discrimination complaints shall be maintained in a restricted file, in a secure location.

Do not assume that the City is aware of the harassment. It is your responsibility to report incidents you know about, even if they involved people other than yourself.

This policy applies not only to actions between supervisors and subordinates, but also to action between co-workers. Harassment of City employees, in connection with their work, by non-employees also may violate this policy. Anyone who becomes aware of any harassment of an employee by a non-employee should report such harassment to his or her immediate supervisor or the city Administrator or his/her designee. Appropriate action will be taken with respect to violation of this policy by any non-employee.

These procedures do not preclude any employee from filing a complaint or grievance with the Missouri Human Rights commission.

Non-Retaliation Policy:

Employees who bring complaints under these harassment policies or who assist in any investigation will not be adversely affected in the terms and conditions of their employment. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this procedure established for harassment and discrimination complaints. Monitoring to ensure that retaliation does not occur is the responsibility of the City Administrator or his/her designee.

ARTICLE III. USE OF EQUIPMENT/CITY PROPERTY

Section 4.10 Use of Vehicles on City Business

All employees who operate vehicles on City business must adhere to the following regulations.

- A. All employees who operate vehicles on City business must have a valid driver's license that entitles them to drive the class of vehicle they are assigned to operate and when using a private vehicle for City business must provide the City Administrator or his/her designee with proof of liability insurance. The City shall retain a copy of the employee's current valid driver's license at all times. Employees are responsible for knowing all state and local motor vehicle laws, including the latest amendments. This includes having a valid driver's license in the employee's possession and wearing seat belts at all times.
- B. Employees are responsible for paying fines for traffic violations they incur arising from the operation of a vehicle on City business. The City will not reimburse employees for such fines.
- C. Employees are responsible for immediately notifying the City Administrator and/or their Department Head of any damage to their personal vehicle while operating the vehicle on City business.
- D. Employees who drive City vehicles must immediately report to their supervisors any on-duty motor vehicle accident or any on- or off-duty driving under the influence conviction or driver's license suspension by the next regular work day of when such conviction, suspension, or violation occurred.
- E. Employees who drive as an essential function of their position may be subject to discipline, up to and including termination, when the occurrence of any event adversely affects the ability of the employee to perform the duties of his/her position.
- F. City owned-vehicles provided for the use by City employees are to be used for City business purposes only.
- G. The use of City-owned vehicles is limited to employees of the City of Wildwood, and employees of the St. Louis County Police Department when so authorized, only. Persons who are not employees of the City of Wildwood or St. Louis County Police Department, including general members of the public, employee family members or friends, are prohibited from driving or operating City-owned vehicles at any time.
- H. The City Administrator or Department Head may occasionally permit an employee to drive a City-owned vehicle home at night or on weekends for special circumstances such as availability to respond to work related emergencies or off-duty call-out. Such personal use of City vehicles is to be authorized in advance in writing by the City Administrator or Department Head.

- I. City employees are not allowed to drive a vehicle on City business while talking on a cellular phone or texting. While operating a vehicle on City business, City employees are to make or complete cellular phone calls or text messages while the vehicle is parked. When a cellular call or text message is received by City employees while driving, they are to pull over to the side of the road when it is safe to do so before completing the call or text message.
- J. Violations of these policies may result in disciplinary action up to and including termination.

Section 4.11 Monitoring Use of City Communication Equipment

All electronic and telephone communications systems and all communications and information sent through, received or stored in these systems, are the property of the City and are provided to employees to be used for job-related purposes. The use of voice-mail or electronic mail (e-mail) to communicate obscene, harassing, or otherwise offensive language or communications is prohibited. The City retains the right to monitor all of its electronic and telephone communications systems at its discretion, including, without limitation, listening to voice-mail messages, and reading and/or printing e-mail messages stored in the systems. Internet usage through the City's computer system will also be monitored. By using these systems, employees consent to such monitoring by the City and acknowledge that they have no reasonable expectation of privacy in these systems.

Section 4.12 Personal Use of City Provided Telephones

- A. Employees may make reasonable, limited use of the City's telephones for personal calls. Personal calls should not interfere with official duties. Excessive use of the City's telephones may subject an employee to disciplinary action, up to and including termination.
- B. The City must be fully reimbursed by employees for the costs of any personal calls (for example, long-distance or cellular telephone charges) made on City equipment, unless the calls are charged to a home telephone number or personal calling card, or placed collect.

Section 4.13 Electronic Mail Usage

- A. The electronic mail (e-mail) system of the City of Wildwood provides a timely and effective business communication tool for employees, affiliates and contractors of the City. All users of the system should use generally accepted standards of business conversation in e-mail messages, and exercise good judgment in both the types of messages created and in the tone and content of the messages.
- B. In accordance with State law, messages created on the system have the same classification and are accessible to the public as though they were written memorandums. Subject to limited exceptions, the Missouri Statutes, Sections 109.080, 109.090 and 610.010 et seq., provide that state, county and municipal government records "regardless

of physical form or characteristics," must, if retained, be made available for personal inspection by any citizen of Missouri.

- C. The e-mail system is a communication tool to be used for business purposes of the City. Occasionally, it will be used for quasi-business announcements or personal messages. Employees need to be aware that it is not a private messaging service. E-mail messages and internet usage must be able to withstand public scrutiny without causing harm to or otherwise affecting negatively the City of Wildwood, its officials, its constituents, or its employees if messages are forwarded beyond the recipients.
- D. The City of Wildwood will not tolerate the following unauthorized uses of e-mail, including:
 - 1. Illegal activities.
 - 2. Wagering, betting or selling chances.
 - 3. Harassment.
 - 4. Solicitation, except for City-sanctioned activities.
 - 5. Commercial activities.
 - 6. Unethical activities.
 - 7. Viewing or sending obscene, profane, or offensive materials.
 - 8. Activities that violate other City policies and procedures.
- E. Each employee is responsible for adhering to these policies and procedures and for reporting any known or suspected unauthorized use of e-mail to the City Administrator. Violations of this policy may result in disciplinary action, up to and including termination.

Section 4.14 Personal Computer Hardware and Software Usage

- A. All City of Wildwood employees who use computer software on their jobs have a responsibility to ensure that no unauthorized copies of software are created or used. This includes taking unauthorized software copies for home use or providing them to others. Copying software without permission is unethical and illegal.
- B. Each employee who uses personal computer software is responsible for:
 - 1. using only software provided or authorized by the City Administrator on personal computers provided by the City;
 - 2. obtaining authorization from the City Administrator before duplicating any software programs;
 - 3. safeguarding from unauthorized use copies of software provided by the City of Wildwood;
 - 4. preventing contamination of City-owned computers by computer viruses;

5. not downloading or using material from the Internet or elsewhere in violation of software licenses or copyright, trademark, and patent laws; and
 6. using the computer system only for official business; it is not intended for uses that by nature are personal, commercial, private promotion, or solicitations.
- C. Reports of use of unauthorized computer software or the copying of same, or other actions which endanger the integrity of the City's computer system, must be reported to the City Administrator.
- D. No employee may use personal computers for any unethical or illegal purposes. Using personal computers to store, maintain, or view obscene, profane, or offensive materials is prohibited.
- E. Violations of this policy may subject the employee to disciplinary action, up to and including termination, and may subject the City employee to criminal or civil sanctions under the Copyright Laws of the United States.

ARTICLE IV. DRUG AND ALCOHOL REQUIREMENTS

Section 4.15 Substance Abuse Policy

The City has a responsibility to its employees, as well as to the general public, to provide a safe, healthy and productive workplace. For these reasons, the City is committed to protecting its employees from the hazards caused by drug and alcohol abuse.

The use, possession, sale, offer to sell, transfer, offering, or furnishing of illegal drugs or alcohol, or the possession of implements or paraphernalia for illegal drug use, on City premises or during the employee's working hours is prohibited. Off-duty and off-premises alcohol use, or use of illegal drugs, is prohibited where such use results in unsatisfactory job performance or conduct that adversely affects the City.

The City is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency. Employees who voluntarily report an alcohol, drug, or controlled substance dependency will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment may use sick leave to attend a bona fide treatment or counseling program. The City may continue employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs, and/or other controlled substances.

An employee may be required to submit to alcohol, drug, or controlled substance testing (See Attachment B – Drug and Alcohol Testing) when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use, or in the cases where employment has been conditioned upon remaining alcohol, drug, or controlled substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, up to and including termination.

Employees using any prescription or over-the-counter drugs that might impair their work performance should notify their Department Head. At the option of the Department Head, an employee may be reassigned to less hazardous duty or be placed on sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.

Any employee who violates this policy will be subject to disciplinary action, up to and including termination.