



West Fargo Public Library Board of Directors
Regular Meeting Agenda
West Fargo City Hall Commission Chambers
2515 6th St E, West Fargo
Thursday, December 11, 2025 5:00 PM
Watch live on YouTube

Meeting Items

1. Call to Order
2. Approve Order of Agenda
3. Public Comment

Members of the public will be allowed 2 minutes and 30 seconds to address the Library Board. Board of Directors will not take any official action during this comment period. Please sign up no later than 12 p.m. the day of the Library Board Meeting you wish to attend.

[Library Board Meeting Public Comment](#)

Consent Agenda - Approve the Following:

1. Approval of Minutes – November 13, 2025
2. Approval of Financial Reports

Regular Agenda

Old Business

New Business

1. Adoption of City of West Fargo Employee Handbook (**Action**)
2. Discussion about January meeting date
3. Director's Report
4. Adjourn



West Fargo Public Library Board of Directors Meeting

West Fargo City Hall Commission Chambers

2515 6th St E, West Fargo ND

Thursday, November 13, 2025 5:00 p.m.

[YouTube recording](#)

Board Members Present: Commissioner Roben Anderson, Tony Stukel, Tyler Erickson, Sara Westall

Board Member Absent: Liann Hanson

Also Present: Library Director Jenna Kahly

I. Call to Order

Commissioner Anderson called the meeting to order at 5:00 p.m.

II. Order of the Agenda

Erickson moved and Westall seconded to approve the order of the agenda. No Opposition. Motion carried.

III. Public Comment

No members of the public signed up for public comment.

IV. Consent Agenda

Erickson moved and Westall seconded to approve the consent agenda. No opposition. Motion carried.

- Approval of Minutes
- Approval of Financial Reports
- Approval of 2026 Library Closures

Regular Agenda

Old Business

- No old business

New Business

V. Approval of Satellite Library hours change effective January 1, 2026 (Action)

- Erickson made a motion to approve the change of hours for the Satellite Library effective January 1, 2026. Westall seconded. No opposition. Motion carried.

VI. City of West Fargo Policy Status Update

- Kahly shared an update on the policies in Lexipol. Initially, the library planned to present several policies at this meeting; however, City Administration and/or Human Resources will present an Employee Handbook and a presentation of changes at the December 11, 2025, meeting. No action was taken.

VII. Grade Change Approval (Action)

- Kahly brought forth a recommendation for a grade change for the Marketing and Communications Specialist position. This change resulted from Kahly's request that Human Resources review and regrade several job descriptions in the spring that had undergone

significant changes. All other reviewed job descriptions were found to have accurate grading, while the recommendation was for the Marketing & Communications Specialist to move from grade 12 to 13. Kahly recommended approval of the grade change with backpay, retroactive to the start of this year, consistent with precedent set during the last all-library salary survey. Erickson moved to approve the grade change with back pay retroactive to the start of this year. Stukel seconded. No opposition. Motion carried.

VIII. Director's Report

- Finances were 78% expended through October.
- Feedback from patrons regarding the new carpet has been positive.
- In October, the Satellite Library had its highest door count since opening.
- The library made 1,258 cards in October. 1,064 were West Fargo Public School student cards, and 194 were regular patrons.
- In October, the library surpassed 200,000 checkouts for the year.
- Electronic circulation continued to break records in October.
- October's door count was slightly lower than usual. Kahly explained this was likely due to the lack of a library Halloween party and the closures for carpet replacement.
- The library had over 62,000 views on social media in October.
- Outreach circulation has been growing.
- Adult Services and Youth Services continue to offer well-received programs.

IX. Adjourn

Erickson moved to adjourn, Westall seconded. No opposition. Motion carried out at 5:34 p.m. The next meeting is on December 11, 2025, at 5:00 p.m. at the West Fargo City Hall Commission Chambers.



Year To Date As of November 2025

Revenues		Note	Revenue/Transfers		
Fund	Description		YTD Actual	Annual Budget	% Received
7000	PROPERTY TAXES		\$ 2,455,509	\$ 2,506,278	98%
7000	DISCOUNT PROPERTY TAXES		-	(105,264)	0%
7000	STATE AID		44,468	40,509	110%
7000	MISCELLANEOUS REVENUE		13,351	5,000	267%
7000	SPONSORSHIPS		16,394	5,000	328%
7000	INTEREST ON INVESTMENTS		197,484	50,000	395%
7000	GRANTS		81	-	0%
7000	DONATIONS		229	-	0%
7000	TRANSFER IN		-	150,000	0%
7010	Library Capital		-	-	0%
	Total Revenues		\$ 2,727,516	\$ 2,651,523	103%
			Expenditure/Transfers		
			YTD Actual	Annual Budget	% Spent
7000	Payroll Expenses		\$ 1,539,375	\$ 1,880,633	82%
7000	Employee Expenses		10,010	24,500	41%
7000	Professional		-	8,000	0%
7000	Building Expenses		141,246	164,051	86%
7000	Operations		65,863	100,511	66%
7000	Vehicle Expenses		41,172	51,119	81%
7000	Programming		9,859	18,500	53%
7000	Public Access		161,805	202,906	80%
7000	Capital Improvements		207,670	160,000	130%
7000	Promotions		9,687	14,680	66%
	Total Expenditures		\$ 2,186,689	\$ 2,624,900	83%
			Cash Balances		
			Beginning Bal	Change in Bal	Ending Bal
7000	Library		1,706,978.79	(99,052.33)	1,607,926.46
7010	Library Equipment & Maintenance		25,000.00	-	25,000.00
	Total Cash		\$ 1,731,979	\$ (99,052)	\$ 1,632,926

Notes to the Financials

Payroll Expenses	Permanent Emp Salaries; PT salaries; Social Security; Retirement; Workforce Safety Insurance; Unemployment; Health Insurance; Cost Allocation
Professional	Attorney; Consulting / Testing Fees
Building	Property Insurance; Building Rental; Insurance
Employee	Employee Development; Medical/Vaccines; Recruitment / Employee Testing; Professional Publications; Memberships
Operations	Telephone; Office Supplies; Service Agreements - Contracts; Misc; Technology; Supplies; Furn & Equip-Non Depreciated <\$5000; Postal Meter Rent
Vehicle	Gas and Oil; Vehicles Maintenance;
Programming	Programming
Collections	E Resources; Books; Magazines; Audio Video; Library of Things;
CIP	Capital Improvements; Furn & Equip Depreciated >\$5000
Promotions	Printing; Promotional Activities

CITY OF WEST FARGO, ND
Revenue Budget vs. Actual
For the Accounting Period: November

Fund	Fund Description	Account	Account Description	Received		Estimated Revenue	Revenue to be Received
				Current Month	Received YTD		
7000	LIBRARY	310001	PROPERTY TAXES	48,938.06	2,455,508.96	2,506,278.00	50,769.04
7000	LIBRARY	310002	DISCOUNT PROPERTY TAXES	0.00	0.00	-105,264.00	-105,264.00
7000	LIBRARY	335600	STATE AID	0.00	44,468.47	40,509.00	-3,959.47
7000	LIBRARY	360000	MISCELLANEOUS REVENUE	840.05	13,351.06	5,000.00	-8,351.06
7000	LIBRARY	360100	SPONSORSHIPS	49.99	16,393.60	5,000.00	-11,393.60
7000	LIBRARY	361000	INTEREST ON INVESTMENTS	11,869.52	197,483.78	50,000.00	-147,483.78
7000	LIBRARY	363400	GRANTS	0.00	80.98	0.00	-80.98
7000	LIBRARY	375000	DONATIONS	0.00	229.00	0.00	-229.00
7000	LIBRARY	383000	TRANSFER IN	0.00	0.00	150,000.00	150,000.00
				61,697.62	2,727,515.85	2,651,523.00	

Statement of Expenditure - Budget vs. Actual Report

For the Accounting Period:

November

Account

Object

Committed

Current

YTD

Appropriation

7000 LIBRARY	411600 LIBRARY	110 PERMANENT EMP SALARIES	1,054,746.70	1,210,859.00	Payroll
7000 LIBRARY	411600 LIBRARY	114 PART TIME SALARIES	78,671.57	102,287.00	Payroll
7000 LIBRARY	411600 LIBRARY	220 SOCIAL SECURITY	84,067.25	100,456.00	Payroll
7000 LIBRARY	411600 LIBRARY	230 RETIREMENT	169,161.58	196,886.00	Payroll
7000 LIBRARY	411600 LIBRARY	240 WORKFORCE SAFETY INSURANCE	2,068.26	2,996.00	Payroll
7000 LIBRARY	411600 LIBRARY	250 UNEMPLOYMENT		500.00	Payroll
7000 LIBRARY	411600 LIBRARY	312 ATTORNEY		5,000.00	Professional
7000 LIBRARY	411600 LIBRARY	320 HEALTH INSURANCE	150,659.84	266,649.00	Payroll
7000 LIBRARY	411600 LIBRARY	321 PROPERTY INSURANCE	4,428.36	0.00	Building
7000 LIBRARY	411600 LIBRARY	333 BUILDING RENTAL	136,818.09	161,051.00	Building
7000 LIBRARY	411600 LIBRARY	340 EMPLOYEE DEVELOPMENT	8,009.27	15,950.00	Employee
7000 LIBRARY	411600 LIBRARY	356 TELEPHONE	2,253.52	3,060.00	Operations
7000 LIBRARY	411600 LIBRARY	387 MEDICAL/VACCINES		500.00	Employee
7000 LIBRARY	411600 LIBRARY	399 RECRUITMENT/EMPLOYMENT TESTING		3,000.00	Employee
7000 LIBRARY	411600 LIBRARY	410 OFFICE SUPPLIES	10,218.52	15,000.00	Operations
7000 LIBRARY	411600 LIBRARY	424 GAS AND OIL	241.22	2,000.00	vehicle
7000 LIBRARY	411600 LIBRARY	427 VEHICLES MAINTENANCE	710.38	1,200.00	vehicle
7000 LIBRARY	411600 LIBRARY	428 SERVICE AGREEMENTS-CONTRACTS	9,372.36	11,952.00	Operations
7000 LIBRARY	411600 LIBRARY	490 MISC	60.99	500.00	Operations
7000 LIBRARY	411600 LIBRARY	497 TECHNOLOGY	28,221.51	45,199.00	Operations
7000 LIBRARY	411600 LIBRARY	500 SUPPLIES		500.00	Operations
7000 LIBRARY	411600 LIBRARY	641 FURN & EQUIP-NON DEPRECIATED <\$5000	4,605.88	10,000.00	Operations
7000 LIBRARY	411600 LIBRARY	644 POSTAL METER RENT		1,200.00	Operations
7000 LIBRARY	411600 LIBRARY	648 PROFESSIONAL PUBLICATIONS		1,000.00	Employee
7000 LIBRARY	411600 LIBRARY	649 PROGRAMMING	9,858.59	18,500.00	Programming
7000 LIBRARY	411600 LIBRARY	650 E RESOURCES	35,461.11	42,261.00	Collections
7000 LIBRARY	411600 LIBRARY	653 CAPITAL IMPROVEMENTS	158,994.77	150,000.00	CIP
7000 LIBRARY	411600 LIBRARY	661 POSTAGE/FREIGHT/SHIPPING	9,466.48	11,000.00	Operations
7000 LIBRARY	411600 LIBRARY	662 BOOKS	76,896.44	107,245.00	Collections
7000 LIBRARY	411600 LIBRARY	663 MAGAZINES	4,564.72	4,700.00	Collections
7000 LIBRARY	411600 LIBRARY	664 AUDIO VIDEO	12,768.95	16,250.00	Collections
7000 LIBRARY	411600 LIBRARY	667 MEMBERSHIPS	2,001.00	4,050.00	Employee
7000 LIBRARY	411600 LIBRARY	668 PRINTING	394.13	1,000.00	Promotions
7000 LIBRARY	411600 LIBRARY	669 INSURANCE		3,000.00	Building
7000 LIBRARY	411600 LIBRARY	672 EMERGENCY MEDICAL SUPPLIES	527.29	350.00	Operations
7000 LIBRARY	411600 LIBRARY	680 Library of Things	3,218.80	4,500.00	Collections
7000 LIBRARY	411600 LIBRARY	689 PROMOTIONAL ACTIVITIES	9,292.56	13,680.00	Promotions
7000 LIBRARY	411600 LIBRARY	724 CONSULTING/TESTING FEES		3,000.00	Professional
7000 LIBRARY	411600 LIBRARY	740 SERVICE CHARGES	1,136.90	1,750.00	Operations
7000 LIBRARY	411600 LIBRARY	864 FURN & EQUIP DEPRECIATED >\$5,000	48,675.44	0.00	CIP
7000 LIBRARY	411600 LIBRARY	880 COST ALLOCATIONS	40,220.80	47,919.00	vehicle
7000 LIBRARY	411600 LIBRARY	890 TRANSFERS OUT		10,000.00	CIP
7000 LIBRARY	411600 LIBRARY	901 CATALOGING	2,768.64	2,950.00	Collections
7000 LIBRARY	411600 LIBRARY	994 ODIN	26,126.67	25,000.00	Collections
			2,186,688.59	2,624,900.00	

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CITY OF WEST FARGO, ND
Budget Detail Report
For the Accounting Periods: 10/25 - 10/25

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Report ID: B160

Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
110 PERMANENT EMP SALARIES								
JV 6066135	Payroll 10/03/2025		/ /	43,582.36	10/25			
JV 6078125	Payroll 10/17/2025		/ /	43,875.58	10/25			
JV 6091 88	Payroll 10/31/2025		/ /	43,783.30	10/25			
Object Total:				131,241.24	966,643.90	1,210,859.00	244,215.10	80%
114 PART TIME SALARIES								
JV 6066136	Payroll 10/03/2025		/ /	3,470.77	10/25			
JV 6078126	Payroll 10/17/2025		/ /	3,964.23	10/25			
JV 6091 89	Payroll 10/31/2025		/ /	3,690.08	10/25			
Object Total:				11,125.08	72,633.29	102,287.00	29,653.71	71%
220 SOCIAL SECURITY								
JV 6066137	Payroll 10/03/2025		/ /	3,476.93	10/25			
JV 6078127	Payroll 10/17/2025		/ /	3,537.22	10/25			
JV 6091 90	Payroll 10/31/2025		/ /	3,631.72	10/25			
Object Total:				10,645.87	77,110.63	100,456.00	23,345.37	77%
230 RETIREMENT								
JV 6066138	Payroll 10/03/2025		/ /	7,292.84	10/25			
JV 6078128	Payroll 10/17/2025		/ /	7,095.33	10/25			
JV 6091 91	Payroll 10/31/2025		/ /	7,095.33	10/25			
Object Total:				21,483.50	154,896.10	196,886.00	41,989.90	79%
240 WORKFORCE SAFETY INSURANCE								
			/ /					
Object Total:				0.00	2,068.26	2,996.00	927.74	69%
245 CORPORATE EDUCATION								
			/ /					
Object Total:				0.00	0.00	0.00	0.00	%
250 UNEMPLOYMENT								
			/ /					
Object Total:				0.00	0.00	500.00	500.00	%
312 ATTORNEY								
			/ /					
Object Total:				0.00	0.00	5,000.00	5,000.00	%
320 HEALTH INSURANCE								
JV 6066139	Payroll 10/03/2025		/ /	6,960.26	10/25			
JV 6078129	Payroll 10/17/2025		/ /	6,960.07	10/25			
Object Total:				13,920.33	136,739.29	266,649.00	129,909.71	51%
321 PROPERTY INSURANCE								
			/ /					
Object Total:				0.00	4,428.36	0.00	-4,428.36	%
333 BUILDING RENTAL								
CL 128165 2	-96018 Oct 2025 Lease - Satellite Lib		10/01/25	2,777.43	10/25	5229 AMB INVESTMENTS, LLC		
CL 128729 1	-95620 OCTOBER RENT		10/17/25	10,643.55	10/25	549 WF PUB SCHOOLS DIST #6		
CL 128729 2	-95620 NOVEMBER RENT		10/17/25	10,643.55	10/25	549 WF PUB SCHOOLS DIST #6		
Object Total:				24,064.53	134,040.66	161,051.00	27,010.34	83%

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7000 LIBRARY								
411600 LIBRARY								
340 EMPLOYEE DEVELOPMENT								
CC 1847 2	PANERA BREAD	999999	09/12/25	64.25	10/25	3162 VISA LIBRARY #2		
CL 128391 1	117510 FOOD REIMBURSEMENT FOR		10/14/25	22.00	10/25	5638 ALYSSA OSE		
	NDLA							
CL 128392 1	117548 FOOD REIMURSEMENT FOR		10/14/25	22.00	10/25	2800 LAUREN NEPHEW		
	NDLA							
CL 128393 1	117549 FOOD REIMBURSEMENT FOR		10/14/25	22.00	10/25	5635 LEXI BENNETT		
	NDLA							
CL 128394 1	117540 FOOD REIMBURSEMENT FOR		10/14/25	22.00	10/25	5642 GENE JETTA		
	NDLA							
CL 128395 1	117517 FOOD & TRAVEL		10/14/25	109.20	10/25	5636 BREE SCHMIDT		
	REIMBURSEMENT FO							
CL 128552 1	117507 MEAL REIMBURSEMENT FOR		10/15/25	22.00	10/25	5639 AARON THOSTENSON		
	NDLA							
CL 128553 1	117509 MEAL REIMBURSEMENT FOR		10/15/25	22.00	10/25	5637 ALLISON AAMODT		
	NDLA							
Object Total:				305.45	6,887.75	15,950.00	9,062.25	43%
356 TELEPHONE								
CL 128502 32	-95686 Sept 2025 - library		09/08/25	198.58	10/25	3668 VERIZON WIRELESS		
CL 128502 36	-95686 Sept 2025 - new cp		09/08/25	40.02	10/25	3668 VERIZON WIRELESS		
	router/libr							
Object Total:				238.60	1,955.29	3,060.00	1,104.71	64%
387 MEDICAL/VACCINES								
Object Total:				0.00	0.00	500.00	500.00	%
399 RECRUITMENT/EMPLOYMENT TESTING								
Object Total:				0.00	0.00	3,000.00	3,000.00	%
410 OFFICE SUPPLIES								
CC 1846 1	PURE WATER TECH	999999	09/03/25	100.00	10/25	3161 VISA LIBRARY #1		
CC 1846 2	OFFICE SUPPLIES	3490	09/12/25	48.25	10/25	3161 VISA LIBRARY #1		
CC 1846 7	BUG LIQUID TREATMENT	3490	09/16/25	16.80	10/25	3161 VISA LIBRARY #1		
	FOR PLANT							
CC 1846 12	PURE WATER TECH	999999	09/24/25	100.00	10/25	3161 VISA LIBRARY #1		
CL 128554 1	-95763 OFFICE SUPPLIES		10/14/25	436.04	10/25	351 BUSINESS ESSENTIALS		
CL 128727 1	117613 CLEAR GLOSSY LABEL		10/21/25	643.38	10/25	77 DEMCO INC		
	PROTECTORS							
Object Total:				1,344.47	9,958.83	15,000.00	5,041.17	66%
420 OPERATION & MAINTENANCE								
Object Total:				0.00	0.00	0.00	0.00	%
424 GAS AND OIL								
JV 6068 12	Sept fuel usage		10/25	27.22	10/25			
	allocation							
Object Total:				27.22	218.23	2,000.00	1,781.77	11%

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7000 LIBRARY								
411600 LIBRARY								
427 VEHICLES MAINTENANCE			/ /					
		Object Total:		0.00	710.38	1,200.00	489.62	59%
428 SERVICE AGREEMENTS-CONTRACTS								
CL 128257 1 117470 LEASE FOR PRINTERS			09/29/25	751.31	10/25 5349 MARCO TECHNOLOGIES, LLC			
		Object Total:		751.31	8,579.95	11,952.00	3,372.05	72%
490 MISC			/ /					
		Object Total:		0.00	60.99	500.00	439.01	12%
497 TECHNOLOGY								
CI 44 4 CR for 1 Cradlepoint - Lib		6125403586	10/07/25	880.00	10/25 3668 VERIZON WIRELESS			
CL 128388 1 117577 DOOR COUNTERS RNWL			10/01/25	456.00	10/25 3485 SENSOURCE			
CL 128728 1 -95621 CRADLEPOINT FOR VAN			10/20/25	250.00	10/25 102 MIDSTATES WIRELESS			
		Object Total:		706.00	29,101.51	45,199.00	16,097.49	64%
500 SUPPLIES			/ /					
		Object Total:		0.00	0.00	500.00	500.00	%
640 FURNITURE & EQUIPMENT			/ /					
		Object Total:		0.00	0.00	0.00	0.00	%
641 FURN & EQUIP-NON DEPRECIATED <\$5000			/ /					
		Object Total:		0.00	4,160.67	10,000.00	5,839.33	42%
644 POSTAL METER RENT			/ /					
		Object Total:		0.00	0.00	1,200.00	1,200.00	%
648 PROFESSIONAL PUBLICATIONS			/ /					
		Object Total:		0.00	0.00	1,000.00	1,000.00	%
649 PROGRAMMING								
CC 1846 5 COTTON BALLS FOR PROGRAM		3490	09/15/25	13.81	10/25 3161 VISA LIBRARY #1			
CC 1846 6 CONSTRUCTION PAPER		3490	09/16/25	2.42	10/25 3161 VISA LIBRARY #1			
CC 1846 8 PROGRAM SUPPLIES		3490	09/16/25	176.06	10/25 3161 VISA LIBRARY #1			
CC 1846 10 POPCORN/POPCORN OIL		3490	09/19/25	93.36	10/25 3161 VISA LIBRARY #1			
CC 1847 1 FOOD FOR PROGRAM		3701	09/05/25	20.66	10/25 3162 VISA LIBRARY #2			
CC 1848 2 FOOD FOR PROGRAM		3701	09/22/25	4.69	10/25 4576 VISA LIBRARY #3			
		Object Total:		311.00	8,099.63	18,500.00	10,400.37	44%
650 E RESOURCES								
JV 6061 1 Recode Odin Invoice			/ /	-25,466.00	10/25			
		Object Total:		-25,466.00	35,461.11	42,261.00	6,799.89	84%

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Report ID: B160

Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line #	Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY									
411600 LIBRARY									
653 CAPITAL IMPROVEMENTS									
CC 1848 1		CARTS FOR CARPET REPLACEMENT	2341	09/17/25	1,340.14	10/25	4576 VISA LIBRARY #3		
CL 128256 1	117439	CARTS FOR CARPET PROJECT		09/22/25	3,906.02	10/25	77 DEMCO INC		
CL 128386 1	117508	CARPET REPLACEMENT PROJECT		10/13/25	44,475.00	10/25	4791 ALL STATES FLOORING, INC.		
CL 128387 1	117584	CARPET PROJECT - MOVING ITEMS		10/08/25	7,639.50	10/25	4272 THE APARTMENT MOVERS INC		
Object Total:					57,360.66	158,994.77	150,000.00	-8,994.77	106%
661 POSTAGE/FREIGHT/SHIPPING									
CC 1846 3		SHIPPING SUPPLIES	3490	09/12/25	24.69	10/25	3161 VISA LIBRARY #1		
CC 1846 4		CARDBOARD BOXES FOR SHIPPING	3490	09/12/25	29.40	10/25	3161 VISA LIBRARY #1		
CC 1846 11		REFUND(BUBBLE MAILER)	3490	09/24/25	-24.69	10/25	3161 VISA LIBRARY #1		
Object Total:					29.40	7,446.50	11,000.00	3,553.50	68%
662 BOOKS									
CL 98439 1		BOOKS	D2095	08/09/21	-119.63	8/21	3870 A KIDS BOOK ABOUT, INC		
CL 128255 1	-95924	BOOKS		09/29/25	275.26	10/25	5564 RED BRICK RESOURCES		
CL 128390 1	-95835	BOOKS		09/16/25	34.04	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 2	-95835	BOOKS		09/16/25	64.00	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 3	-95835	BOOKS		09/16/25	21.00	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 4	-95835	BOOKS		09/18/25	40.15	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 5	-95835	BOOKS		09/18/25	102.95	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 6	-95835	BOOKS		09/18/25	13.71	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 7	-95835	BOOKS		09/18/25	23.82	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 8	-95835	BOOKS		09/18/25	106.13	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 9	-95835	BOOKS		09/29/25	23.50	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 10	-95835	BOOKS		09/29/25	23.42	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 11	-95835	BOOKS		09/29/25	63.69	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 12	-95835	BOOKS		09/29/25	12.42	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 13	-95835	BOOKS		09/29/25	786.96	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 14	-95835	BOOKS		09/30/25	22.56	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 15	-95835	BOOKS		10/01/25	44.66	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 16	-95835	BOOKS		10/01/25	16.36	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 17	-95835	BOOKS		10/01/25	16.03	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 18	-95835	BOOKS		10/01/25	14.97	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 19	-95835	BOOKS		10/01/25	59.21	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 20	-95835	BOOKS		10/01/25	198.97	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 21	-95835	BOOKS		10/01/25	11.10	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 22	-95835	BOOKS		10/03/25	14.93	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 23	-95835	BOOKS		10/03/25	19.76	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 24	-95835	BOOKS		10/03/25	15.23	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 25	-95835	BOOKS		10/03/25	16.92	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 26	-95835	BOOKS		10/03/25	13.71	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 27	-95835	BOOKS		10/03/25	39.17	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 28	-95835	BOOKS		10/03/25	21.31	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 29	-95835	BOOKS		10/03/25	34.58	10/25	4592 INGRAM LIBRARY SERVICES		

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Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
CL 128390 30	-95835 BOOKS		10/03/25	20.39	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 31	-95835 BOOKS		10/06/25	42.63	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 32	-95835 BOOKS		10/06/25	42.37	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 33	-95835 BOOKS		10/06/25	14.63	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 34	-95835 BOOKS		10/07/25	13.24	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 35	-95835 BOOKS		10/07/25	24.82	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 36	-95835 BOOKS		10/07/25	25.45	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 37	-95835 BOOKS		10/07/25	94.63	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 38	-95835 BOOKS		10/07/25	19.03	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 39	-95835 BOOKS		10/07/25	13.03	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 40	-95835 BOOKS		10/07/25	25.92	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 41	-95835 BOOKS		10/07/25	68.09	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 42	-95835 BOOKS		10/07/25	444.83	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 43	-95835 BOOKS		10/08/25	22.56	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 44	-95835 BOOKS		10/08/25	17.58	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 45	-95835 BOOKS		10/08/25	113.65	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 46	-95835 BOOKS		10/08/25	22.50	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 47	-95835 BOOKS		10/08/25	31.43	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 48	-95835 BOOKS		10/08/25	14.56	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 49	-95835 BOOKS		10/08/25	19.64	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 50	-95835 BOOKS		10/08/25	19.61	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 51	-95835 BOOKS		10/10/25	40.05	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 52	-95835 BOOKS		10/10/25	14.34	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 53	-95835 BOOKS		10/10/25	20.01	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 54	-95835 BOOKS		10/10/25	12.15	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 55	-95835 BOOKS		10/10/25	14.14	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 56	-95835 BOOKS		10/10/25	76.15	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 57	-95835 BOOKS		10/10/25	22.56	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 58	-95835 BOOKS		10/10/25	31.93	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 59	-95835 BOOKS		10/13/25	27.96	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 60	-95835 BOOKS		10/13/25	32.64	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 61	-95835 BOOKS		10/13/25	21.94	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 62	-95835 BOOKS		10/13/25	19.32	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 63	-95835 BOOKS		10/13/25	12.43	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 64	-95835 BOOKS		10/14/25	21.23	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 65	-95835 BOOKS		10/14/25	13.33	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 66	-95835 BOOKS		10/14/25	33.45	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 67	-95835 BOOKS		10/14/25	181.63	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 68	-95835 BOOKS		10/14/25	40.96	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 69	-95835 BOOKS		10/14/25	13.68	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 70	-95835 BOOKS		10/14/25	99.07	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128390 71	-95835 BOOKS		10/14/25	23.70	10/25	4592 INGRAM LIBRARY SERVICES		
CL 128615 1	-95698 92448		10/31/25	119.63	10/25	5174 NORTH DAKOTA UNCLAIMED		
Object Total:				4,033.78	69,979.29	107,245.00	37,265.71	65%

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Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
663 MAGAZINES			/ /					
		Object Total:		0.00	4,564.72	4,700.00	135.28	97%
664 AUDIO VIDEO								
CL 128389 1	-95836 DVD		09/30/25	310.17	10/25 1854	MIDWEST TAPE		
CL 128389 2	-95836 DVD		09/30/25	64.79	10/25 1854	MIDWEST TAPE		
CL 128389 3	-95836 DVD		09/30/25	27.72	10/25 1854	MIDWEST TAPE		
CL 128389 4	-95836 DVD		10/07/25	137.03	10/25 1854	MIDWEST TAPE		
CL 128389 5	-95836 DVD		10/07/25	76.94	10/25 1854	MIDWEST TAPE		
CL 128389 6	-95836 DVD		10/07/25	115.35	10/25 1854	MIDWEST TAPE		
CL 128389 7	-95836 DVD		10/07/25	103.38	10/25 1854	MIDWEST TAPE		
CL 128389 8	-95836 DVD		10/14/25	28.47	10/25 1854	MIDWEST TAPE		
CL 128389 9	-95836 DVD		10/14/25	89.89	10/25 1854	MIDWEST TAPE		
		Object Total:		953.74	12,768.95	16,250.00	3,481.05	79%
667 MEMBERSHIPS			/ /					
		Object Total:		0.00	2,001.00	4,050.00	2,049.00	49%
668 PRINTING			/ /					
		Object Total:		0.00	394.13	1,000.00	605.87	39%
669 INSURANCE			/ /					
		Object Total:		0.00	0.00	3,000.00	3,000.00	%
672 EMERGENCY MEDICAL SUPPLIES			/ /					
		Object Total:		0.00	527.29	350.00	-177.29	151%
680 Library of Things								
CC 1846 9	CHARGING CABLE	3490	09/19/25	9.99	10/25 3161	VISA LIBRARY #1		
		Object Total:		9.99	3,218.80	4,500.00	1,281.20	72%
689 PROMOTIONAL ACTIVITIES								
CC 1848 3	FACEBOOK	999999	09/30/25	174.62	10/25 4576	VISA LIBRARY #3		
		Object Total:		174.62	9,292.56	13,680.00	4,387.44	68%
710 PRINCIPAL			/ /					
		Object Total:		0.00	0.00	0.00	0.00	%
720 INTEREST			/ /					
		Object Total:		0.00	0.00	0.00	0.00	%
724 CONSULTING/TESTING FEES			/ /					
		Object Total:		0.00	0.00	3,000.00	3,000.00	%
740 SERVICE CHARGES								
JV 6111 1	FIBT TSYS/TRANSFIRST OCT		/ /	97.90	10/25			
		Object Total:		97.90	979.00	1,750.00	771.00	56%

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Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
864 FURN & EQUIP DEPRECIATED >\$5,000			/ /					
		Object Total:		0.00	48,675.44	0.00	-48,675.44	%
870 CAPITALIZED ASSETS - OVER \$5,000			/ /					
		Object Total:		0.00	0.00	0.00	0.00	%
880 COST ALLOCATIONS								
JV 6105 16	October 2025 Cost Allocation		/ /	4,022.08	10/25			
		Object Total:		4,022.08	40,220.80	47,919.00	7,698.20	84%
890 TRANSFERS OUT			/ /					
		Object Total:		0.00	0.00	10,000.00	10,000.00	%
901 CATALOGING			/ /					
		Object Total:		0.00	2,768.64	2,950.00	181.36	94%
994 ODIN								
JV 6061 2	Recode Odin Invoice		/ /	25,466.00	10/25			
		Object Total:		25,466.00	26,126.67	25,000.00	-1,126.67	105%
		Account Total:		282,846.77	2,041,713.39	2,624,900.00	583,186.61	
		Fund Total:		282,846.77	2,041,713.39	2,624,900.00	583,186.61	

***Detail total may not match report total. The report total reflects the actual amount posting to the budget line. The detail includes all transactions that posted to the budget line during the period (including amounts that may have been closed).

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Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
110 PERMANENT EMP SALARIES								
JV 6129140	Payroll 11/14/2025		/ /	42,722.10	11/25			
JV 6138127	Payroll 11/28/2025		/ /	45,380.70	11/25			
Object Total:				88,102.80	1,054,746.70	1,210,859.00	156,112.30	87%
114 PART TIME SALARIES								
JV 6129141	Payroll 11/14/2025		/ /	2,917.22	11/25			
JV 6138128	Payroll 11/28/2025		/ /	3,121.06	11/25			
Object Total:				6,038.28	78,671.57	102,287.00	23,615.43	77%
220 SOCIAL SECURITY								
JV 6129142	Payroll 11/14/2025		/ /	3,368.84	11/25			
JV 6138129	Payroll 11/28/2025		/ /	3,587.78	11/25			
Object Total:				6,956.62	84,067.25	100,456.00	16,388.75	84%
230 RETIREMENT								
JV 6129143	Payroll 11/14/2025		/ /	6,922.77	11/25			
JV 6138130	Payroll 11/28/2025		/ /	7,342.71	11/25			
Object Total:				14,265.48	169,161.58	196,886.00	27,724.42	86%
240 WORKFORCE SAFETY INSURANCE								
Object Total:			/ /	0.00	2,068.26	2,996.00	927.74	69%
245 CORPORATE EDUCATION								
Object Total:			/ /	0.00	0.00	0.00	0.00	%
250 UNEMPLOYMENT								
Object Total:			/ /	0.00	0.00	500.00	500.00	%
312 ATTORNEY								
Object Total:			/ /	0.00	0.00	5,000.00	5,000.00	%
320 HEALTH INSURANCE								
JV 6129144	Payroll 11/14/2025		/ /	6,960.26	11/25			
JV 6138131	Payroll 11/28/2025		/ /	6,960.29	11/25			
Object Total:				13,920.55	150,659.84	266,649.00	115,989.16	57%
321 PROPERTY INSURANCE								
Object Total:			/ /	0.00	4,428.36	0.00	-4,428.36	%
333 BUILDING RENTAL								
CL 128831 2 -95587	Nov 2025 Lease - Satellite Lib		11/01/25	2,777.43	11/25	5229 AMB INVESTMENTS, LLC		
Object Total:				2,777.43	136,818.09	161,051.00	24,232.91	85%
340 EMPLOYEE DEVELOPMENT								
CC 1873 1	HOTEL ROOM FOR NDLA CONFERENCE	1788	10/03/25	120.44	11/25	3162 VISA LIBRARY #2		
CC 1873 2	HOTEL ROOM FOR NDLA CONFERENCE	1788	10/03/25	120.44	11/25	3162 VISA LIBRARY #2		
CC 1873 3	HOTEL ROOM FOR NDLA CONFERENCE	1788	10/03/25	120.44	11/25	3162 VISA LIBRARY #2		
CC 1873 4	HOTEL ROOM FOR NDLA CONFERENCE	1788	10/03/25	120.44	11/25	3162 VISA LIBRARY #2		

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Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line #	Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY									
411600 LIBRARY									
CC 1873	5	HOTEL ROOM FOR NDLA	1788	10/03/25	240.88	11/25	3162 VISA LIBRARY #2		
		CONFERENCE							
CC 1873	6	HOTEL ROOM FOR NDLA	1788	10/03/25	120.44	11/25	3162 VISA LIBRARY #2		
		CONFERENCE							
CC 1873	7	HOTEL ROOM FOR NDLA	1788	10/03/25	120.44	11/25	3162 VISA LIBRARY #2		
		CONFERENCE							
CC 1873	8	WEBINAR JENNA	999999	10/13/25	49.00	11/25	3162 VISA LIBRARY #2		
CL 128922	1	117749 REIMBURSEMENT HOTEL AT		11/13/25	109.00	11/25	5642 GENE JETTA		
		NDLA							
Object Total:					1,121.52	8,009.27	15,950.00	7,940.73	50%
356 TELEPHONE									
CL 129110	30	-95371 Oct 2025 - library		10/08/25	258.21	11/25	3668 VERIZON WIRELESS		
CL 129110	34	-95371 Oct 2025-new CP router		10/08/25	40.02	11/25	3668 VERIZON WIRELESS		
		library							
Object Total:					298.23	2,253.52	3,060.00	806.48	74%
387 MEDICAL/VACCINES									
Object Total:					0.00	0.00	500.00	500.00	%
399 RECRUITMENT/EMPLOYMENT TESTING									
Object Total:					0.00	0.00	3,000.00	3,000.00	%
410 OFFICE SUPPLIES									
CC 1872	1	REFILL PAGES FOR	3490	10/09/25	9.40	11/25	3161 VISA LIBRARY #1		
		PLANNER							
CC 1872	4	ROOM DIVIDER/MONITOR	3490	10/26/25	82.98	11/25	3161 VISA LIBRARY #1		
		STANDS							
CC 1872	5	PURE WATER	999999	10/29/25	100.00	11/25	3161 VISA LIBRARY #1		
CL 128920	3	-95431 MONITOR STANDS/SCOTCH		11/08/25	47.32	11/25	3490 AMAZON CAPITAL SERVICES		
		TAPE							
CL 129271	1	COMPUTER MONITORS		11/24/25	19.99	11/25	3490 AMAZON CAPITAL SERVICES		
Object Total:					259.69	10,218.52	15,000.00	4,781.48	68%
420 OPERATION & MAINTENANCE									
Object Total:					0.00	0.00	0.00	0.00	%
424 GAS AND OIL									
JV 6115	12	Oct fuel usage		11/25	22.99				
		allocation							
Object Total:					22.99	241.22	2,000.00	1,758.78	12%
427 VEHICLES MAINTENANCE									
Object Total:					0.00	710.38	1,200.00	489.62	59%
428 SERVICE AGREEMENTS-CONTRACTS									
CL 128924	1	-95511 LEASE FOR PRINTERS		10/28/25	792.41	11/25	5349 MARCO TECHNOLOGIES, LLC		
Object Total:					792.41	9,372.36	11,952.00	2,579.64	78%

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Fund/Account/ Doc/Line #	Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY									
411600 LIBRARY									
490 MISC									
				/ /					
			Object Total:		0.00	60.99	500.00	439.01	12%
497 TECHNOLOGY									
CL 129110***	-95371	CR for 1 Cradlepoint - Lib	6125403586	10/07/25	-880.00	11/25 3668	VERIZON WIRELESS		
			Object Total:		-880.00	28,221.51	45,199.00	16,977.49	62%
500 SUPPLIES				/ /					
			Object Total:		0.00	0.00	500.00	500.00	%
640 FURNITURE & EQUIPMENT				/ /					
			Object Total:		0.00	0.00	0.00	0.00	%
641 FURN & EQUIP-NON DEPRECIATED <\$5000									
CL 128921 1	117743	CHAIR FOR AARON		10/29/25	445.21	11/25 2136	ULINE INC		
			Object Total:		445.21	4,605.88	10,000.00	5,394.12	46%
644 POSTAL METER RENT				/ /					
			Object Total:		0.00	0.00	1,200.00	1,200.00	%
648 PROFESSIONAL PUBLICATIONS				/ /					
			Object Total:		0.00	0.00	1,000.00	1,000.00	%
649 PROGRAMMING									
CC 1872 2		PROGRAMMING SUPPLIES	3490	10/11/25	241.99	11/25 3161	VISA LIBRARY #1		
CC 1873 9		SP ARCAN E LIBRARY	999999	10/20/25	2.99	11/25 3162	VISA LIBRARY #2		
CL 128920 1	-95431	PROGRAMMING		11/08/25	612.98	11/25 3490	AMAZON CAPITAL SERVICES		
CL 128980 1	117663	FEE FOR PROGRAM & SUPPLIES		11/12/25	207.00	11/25 5669	AMANDA NORDICK		
CL 128982 1	117673	D&D CAMPAIGN MATERIALS		11/13/25	6.00	11/25 5053	CASSANDRA KLOS		
CL 129155 1		POPCORN MACHINE - SATELLITE		11/19/25	688.00	11/25 3353	SAM'S CLUB MC/SYN CB		
			Object Total:		1,758.96	9,858.59	18,500.00	8,641.41	53%
650 E RESOURCES				/ /					
			Object Total:		0.00	35,461.11	42,261.00	6,799.89	84%
653 CAPITAL IMPROVEMENTS				/ /					
			Object Total:		0.00	158,994.77	150,000.00	-8,994.77	106%
661 POSTAGE/FREIGHT/SHIPPING									
CL 128919 1	-95513	POSTAGE		10/13/25	2,000.00	11/25 1483	PITNEY BOWES BANK INC -		
CL 128920 2	-95431	TAPE FOR MAILING ILLS		11/08/25	19.98	11/25 3490	AMAZON CAPITAL SERVICES		
			Object Total:		2,019.98	9,466.48	11,000.00	1,533.52	86%
662 BOOKS									
CC 1872 3		BOOK	3490	10/22/25	95.10	11/25 3161	VISA LIBRARY #1		
CL 128923 1	-95512	BOOKS		11/03/25	303.94	11/25 3953	SMART APPLE MEDIA		
CL 129181 1	-95343	BOOKS		10/16/25	27.39	11/25 4592	INGRAM LIBRARY SERVICES		
CL 129181 2	-95343	BOOKS		10/16/25	38.37	11/25 4592	INGRAM LIBRARY SERVICES		
CL 129181 3	-95343	BOOKS		10/16/25	30.58	11/25 4592	INGRAM LIBRARY SERVICES		

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CITY OF WEST FARGO, ND
Budget Detail Report
For the Accounting Periods: 11/25 - 11/25

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Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line #	Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY									
411600 LIBRARY									
CL 129181	4	-95343 BOOKS		10/16/25	18.87	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	5	-95343 BOOKS		10/16/25	32.87	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	6	-95343 BOOKS		10/16/25	19.60	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	7	-95343 BOOKS		10/16/25	20.03	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	8	-95343 BOOKS		10/16/25	32.75	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	9	-95343 BOOKS		10/16/25	41.13	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	10	-95343 BOOKS		10/16/25	13.15	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	11	-95343 BOOKS		10/16/25	28.76	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	12	-95343 BOOKS		10/16/25	59.05	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	13	-95343 BOOKS		10/16/25	50.13	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	14	-95343 BOOKS		10/17/25	13.14	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	15	-95343 BOOKS		10/17/25	21.14	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	16	-95343 BOOKS		10/17/25	148.94	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	17	-95343 BOOKS		10/17/25	23.16	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	18	-95343 BOOKS		10/24/25	17.78	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	19	-95343 BOOKS		10/24/25	23.15	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	20	-95343 BOOKS		10/27/25	11.15	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	21	-95343 BOOKS		10/27/25	25.47	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	22	-95343 BOOKS		10/27/25	24.28	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	23	-95343 BOOKS		10/27/25	28.92	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	24	-95343 BOOKS		10/27/25	30.84	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	25	-95343 BOOKS		10/28/25	23.96	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	26	-95343 BOOKS		10/28/25	25.38	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	27	-95343 BOOKS		10/29/25	21.16	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	28	-95343 BOOKS		10/29/25	44.09	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	29	-95343 BOOKS		10/29/25	22.03	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	30	-95343 BOOKS		10/29/25	20.37	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	31	-95343 BOOKS		10/29/25	14.09	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	32	-95343 BOOKS		10/29/25	59.00	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	33	-95343 BOOKS		10/29/25	43.94	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	34	-95343 BOOKS		10/29/25	64.75	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	35	-95343 BOOKS		10/29/25	21.92	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	36	-95343 BOOKS		10/30/25	16.89	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	37	-95343 BOOKS		10/30/25	16.78	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	38	-95343 BOOKS		10/30/25	19.44	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	39	-95343 BOOKS		10/30/25	42.14	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	40	-95343 BOOKS		10/30/25	16.77	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	41	-95343 BOOKS		10/30/25	135.05	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	42	-95343 BOOKS		10/30/25	54.03	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	43	-95343 BOOKS		10/30/25	15.82	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	44	-95343 BOOKS		10/30/25	15.79	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	45	-95343 BOOKS		10/30/25	63.95	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	46	-95343 BOOKS		11/02/25	27.63	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	47	-95343 BOOKS		11/02/25	16.76	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	48	-95343 BOOKS		11/03/25	19.17	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	49	-95343 BOOKS		11/03/25	27.52	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	50	-95343 BOOKS		11/03/25	52.73	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181	51	-95343 BOOKS		11/03/25	70.48	11/25	4592 INGRAM LIBRARY SERVICES		

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Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
CL 129181 52	-95343 BOOKS		11/03/25	13.09	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 53	-95343 BOOKS		11/03/25	34.77	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 54	-95343 BOOKS		11/03/25	104.55	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 55	-95343 BOOKS		11/03/25	22.47	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 56	-95343 BOOKS		11/03/25	9.28	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 57	-95343 BOOKS		11/03/25	98.72	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 58	-95343 BOOKS		11/03/25	136.45	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 59	-95343 BOOKS		11/05/25	23.61	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 60	-95343 BOOKS		11/05/25	18.98	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 61	-95343 BOOKS		11/05/25	44.87	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 62	-95343 BOOKS		11/05/25	46.47	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 63	-95343 BOOKS		11/05/25	28.00	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 64	-95343 BOOKS		11/06/25	14.09	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 65	-95343 BOOKS		11/06/25	40.88	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 66	-95343 BOOKS		11/06/25	22.69	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 67	-95343 BOOKS		11/10/25	118.62	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 68	-95343 BOOKS		11/10/25	43.08	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 69	-95343 BOOKS		11/10/25	34.69	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 70	-95343 BOOKS		11/10/25	28.56	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 71	-95343 BOOKS		11/12/25	37.64	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 72	-95343 BOOKS		11/12/25	56.18	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 73	-95343 BOOKS		11/12/25	20.99	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 74	-95343 BOOKS		11/12/25	78.81	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 75	-95343 BOOKS		11/12/25	22.04	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 76	-95343 BOOKS		11/12/25	50.87	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 77	-95343 BOOKS		11/12/25	460.61	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 78	-95343 BOOKS		11/13/25	20.03	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 79	-95343 BOOKS		11/14/25	66.24	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 80	-95343 BOOKS		11/14/25	36.31	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 81	-95343 BOOKS		11/14/25	10.39	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 82	-95343 BOOKS		11/14/25	48.43	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 83	-95343 BOOKS		11/14/25	43.30	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 84	-95343 BOOKS		11/14/25	19.09	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 85	-95343 BOOKS		11/14/25	1,246.45	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 86	-95343 BOOKS		11/14/25	769.46	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 87	-95343 BOOKS		11/17/25	25.56	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 88	-95343 BOOKS		11/17/25	15.05	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 89	-95343 BOOKS		11/17/25	19.55	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 90	-95343 BOOKS		11/17/25	14.96	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 91	-95343 BOOKS		11/17/25	22.66	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 92	-95343 BOOKS		11/17/25	39.14	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 93	-95343 BOOKS		11/19/25	20.97	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 94	-95343 BOOKS		11/19/25	71.09	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 95	-95343 BOOKS		11/19/25	19.68	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 96	-95343 BOOKS		11/19/25	90.76	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 97	-95343 BOOKS		11/19/25	149.27	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 98	-95343 BOOKS		11/19/25	22.21	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181 99	-95343 BOOKS		11/19/25	25.18	11/25	4592 INGRAM LIBRARY SERVICES		

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Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
CL 129181100	-95343 BOOKS		11/19/25	45.28	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181101	-95343 BOOKS		11/20/25	41.99	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181102	-95343 BOOKS		11/20/25	179.84	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181103	-95343 BOOKS		11/20/25	22.23	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181104	-95343 BOOKS		11/20/25	21.55	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181105	-95343 BOOKS		11/21/25	23.79	11/25	4592 INGRAM LIBRARY SERVICES		
CL 129181106	-95343 BOOKS		11/21/25	24.35	11/25	4592 INGRAM LIBRARY SERVICES		
		Object Total:		6,917.15	76,896.44	107,245.00	30,348.56	72%
663 MAGAZINES			/ /					
		Object Total:		0.00	4,564.72	4,700.00	135.28	97%
664 AUDIO VIDEO			/ /					
		Object Total:		0.00	12,768.95	16,250.00	3,481.05	79%
667 MEMBERSHIPS			/ /					
		Object Total:		0.00	2,001.00	4,050.00	2,049.00	49%
668 PRINTING			/ /					
		Object Total:		0.00	394.13	1,000.00	605.87	39%
669 INSURANCE			/ /					
		Object Total:		0.00	0.00	3,000.00	3,000.00	%
672 EMERGENCY MEDICAL SUPPLIES			/ /					
		Object Total:		0.00	527.29	350.00	-177.29	151%
680 Library of Things			/ /					
		Object Total:		0.00	3,218.80	4,500.00	1,281.20	72%
689 PROMOTIONAL ACTIVITIES			/ /					
		Object Total:		0.00	9,292.56	13,680.00	4,387.44	68%
710 PRINCIPAL			/ /					
		Object Total:		0.00	0.00	0.00	0.00	%
720 INTEREST			/ /					
		Object Total:		0.00	0.00	0.00	0.00	%
724 CONSULTING/TESTING FEES			/ /					
		Object Total:		0.00	0.00	3,000.00	3,000.00	%
740 SERVICE CHARGES			/ /					
JV 6153 1	FIBT TSYS/TRANSFIRST NOV		/ /	157.90	11/25			
		Object Total:		157.90	1,136.90	1,750.00	613.10	65%

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CITY OF WEST FARGO, ND
Budget Detail Report
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Funds 7000-7000, Accounts 411600-411600, AND ACCOUNT=411600

Fund/Account/ Doc/Line # Check	Description	Invoice	Invoice Date	End Month/ Amount	Year to Date/ Period	Budget/ Vendor	Available Appropriation	%
7000 LIBRARY								
411600 LIBRARY								
864 FURN & EQUIP DEPRECIATED >\$5,000			/ /					
		Object Total:		0.00	48,675.44	0.00	-48,675.44	%
870 CAPITALIZED ASSETS - OVER \$5,000			/ /					
		Object Total:		0.00	0.00	0.00	0.00	%
880 COST ALLOCATIONS			/ /					
		Object Total:		0.00	40,220.80	47,919.00	7,698.20	84%
890 TRANSFERS OUT			/ /					
		Object Total:		0.00	0.00	10,000.00	10,000.00	%
901 CATALOGING			/ /					
		Object Total:		0.00	2,768.64	2,950.00	181.36	94%
994 ODIN			/ /					
		Object Total:		0.00	26,126.67	25,000.00	-1,126.67	105%
		Account Total:		144,975.20	2,186,688.59	2,624,900.00	438,211.41	
		Fund Total:		144,975.20	2,186,688.59	2,624,900.00	438,211.41	

***Detail total may not match report total. The report total reflects the actual amount posting to the budget line. The detail includes all transactions that posted to the budget line during the period (including amounts that may have been closed).

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CITY OF WEST FARGO, ND
Income Statement
For the Accounting Period: 11 / 25

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Combined Funds

		----- Current Year -----				
Account	Object Description	Current Month	Current YTD	Budget	Variance	%
Revenue						
310001	PROPERTY TAXES	48,938.06	2,455,508.96	2,506,278.00	-50,769.04	98
310002	DISCOUNT PROPERTY TAXES			-105,264.00	105,264.00	
335600	STATE AID		44,468.47	40,509.00	3,959.47	110
						102
Total Revenue		48,938.06	2,499,977.43	2,441,523.00	58,454.43	102
Expenses						
411600	LIBRARY					
110	PERMANENT EMP SALARIES	88,102.80	1,054,746.70	1,210,859.00	156,112.30	87
114	PART TIME SALARIES	6,038.28	78,671.57	102,287.00	23,615.43	77
220	SOCIAL SECURITY	6,956.62	84,067.25	100,456.00	16,388.75	84
230	RETIREMENT	14,265.48	169,161.58	196,886.00	27,724.42	86
240	WORKFORCE SAFETY INSURANCE		2,068.26	2,996.00	927.74	69
250	UNEMPLOYMENT			500.00	500.00	
312	ATTORNEY			5,000.00	5,000.00	
320	HEALTH INSURANCE	13,920.55	150,659.84	266,649.00	115,989.16	57
321	PROPERTY INSURANCE		4,428.36		-4,428.36	
333	BUILDING RENTAL	2,777.43	136,818.09	161,051.00	24,232.91	85
340	EMPLOYEE DEVELOPMENT	1,121.52	8,009.27	15,950.00	7,940.73	50
356	TELEPHONE	298.23	2,253.52	3,060.00	806.48	74
387	MEDICAL/VACCINES			500.00	500.00	
399	RECRUITMENT/EMPLOYMENT TESTING			3,000.00	3,000.00	
410	OFFICE SUPPLIES	259.69	10,218.52	15,000.00	4,781.48	68
424	GAS AND OIL	22.99	241.22	2,000.00	1,758.78	12
427	VEHICLES MAINTENANCE		710.38	1,200.00	489.62	59
428	SERVICE AGREEMENTS-CONTRACTS	792.41	9,372.36	11,952.00	2,579.64	78
490	MISC		60.99	500.00	439.01	12
497	TECHNOLOGY	-880.00	28,221.51	45,199.00	16,977.49	62
500	SUPPLIES			500.00	500.00	
641	FURN & EQUIP-NON DEPRECIATED <\$5000	445.21	4,605.88	10,000.00	5,394.12	46
644	POSTAL METER RENT			1,200.00	1,200.00	
648	PROFESSIONAL PUBLICATIONS			1,000.00	1,000.00	
649	PROGRAMMING	1,758.96	9,858.59	18,500.00	8,641.41	53
650	E RESOURCES		35,461.11	42,261.00	6,799.89	84
653	CAPITAL IMPROVEMENTS		158,994.77	150,000.00	-8,994.77	106
661	POSTAGE/FREIGHT/SHIPPING	2,019.98	9,466.48	11,000.00	1,533.52	86
662	BOOKS	6,917.15	76,896.44	107,245.00	30,348.56	72
663	MAGAZINES		4,564.72	4,700.00	135.28	97
664	AUDIO VIDEO		12,768.95	16,250.00	3,481.05	79
667	MEMBERSHIPS		2,001.00	4,050.00	2,049.00	49
668	PRINTING		394.13	1,000.00	605.87	39
669	INSURANCE			3,000.00	3,000.00	

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CITY OF WEST FARGO, ND
Income Statement
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Combined Funds

		----- Current Year -----				
Account	Object Description	Current Month	Current YTD	Budget	Variance	%
672	EMERGENCY MEDICAL SUPPLIES		527.29	350.00	-177.29	151
680	Library of Things		3,218.80	4,500.00	1,281.20	72
689	PROMOTIONAL ACTIVITIES		9,292.56	13,680.00	4,387.44	68
724	CONSULTING/TESTING FEES			3,000.00	3,000.00	
740	SERVICE CHARGES	157.90	1,136.90	1,750.00	613.10	65
864	FURN & EQUIP DEPRECIATED >\$5,000		48,675.44		-48,675.44	
880	COST ALLOCATIONS		40,220.80	47,919.00	7,698.20	84
890	TRANSFERS OUT			10,000.00	10,000.00	
901	CATALOGING		2,768.64	2,950.00	181.36	94
994	ODIN		26,126.67	25,000.00	-1,126.67	105
	Total Account	144,975.20	2,186,688.59	2,624,900.00	438,211.41	83
	Total Expenses	144,975.20	2,186,688.59	2,624,900.00	438,211.41	83
	Net Income from Operations	-96,037.14	313,288.84			
Other Revenue						
360000	MISCELLANEOUS REVENUE	840.05	13,351.06	5,000.00	8,351.06	267
360100	SPONSORSHIPS	49.99	16,393.60	5,000.00	11,393.60	328
361000	INTEREST ON INVESTMENTS	11,869.52	197,483.78	50,000.00	147,483.78	395
363400	GRANTS		80.98		80.98	
375000	DONATIONS		229.00		229.00	
383000	TRANSFER IN			150,000.00	-150,000.00	108
	Total Other Revenue	12,759.56	227,538.42	210,000.00	17,538.42	108
	Net Income	-83,277.58	540,827.26			

Note: Formula for % columns = revenue*100/total expense for Fund.



Regular Agenda Item

To: West Fargo Public Library Board of Directors
From: Jenna Kahly, Library Director
Date: Dec. 11, 2025
Subject: City of West Fargo Employee Handbook
Action: Adoption of 2026 Employee Handbook

President

Liann Hanson

Vice President

Roben Anderson
City Commissioner

Treasurer

Tony Stukel

Board Member

Tyler Erickson

Board Member

Sara Westall

Library Director

Jenna Kahly

New Information and Recommendation:

Updating policies has been an ongoing effort at the City of West Fargo this year. Part of this work was an effort to move all City of West Fargo departments, including the West Fargo Public Library, onto Lexipol for policy management and staff acknowledgement. The Library Board voted to start using Lexipol earlier this year, but the program has not been fully implemented for Library staff. At this time, some policies have been updated or newly created by Human Resources and have been approved by the City Commission, but have not yet been adopted by the Library Board. Other policies are still current, and the latest applicable version is the previously adopted Employee Handbook.

Provided in the agenda packet today are a collection of recently updated or newly added policies, which have been approved by the City Commission and are currently in use by City of West Fargo staff, as well as the remaining Employee Handbook policies from 2025, which, with your acknowledgement, will continue to be in use for Library staff until updated versions can be applied.

Today, we seek a motion to approve the following listed policies, which are new or recently updated, and acknowledge the entire City of West Fargo Policy Manual.

- 100 – Policy Manual
- 102 – ADA Compliance
- 105 – Local Government Use of Social Media
- 200 – Emergency Management Program
- 301 – Encumbered Funds Carryover
- 400 – Standards of Conduct for All Employees
- 404 – Business Gifts and Gratuities
- 405 – Subpoenas and Court Appearances
- 406 – Speech, Expression, and Social Networking
- 416 – Performance Evaluations
- 417 – Sick Leave
- 418 – Family and Medical Leave
- 422 – Military Leave
- 426 – Personal Leave
- 427 – Vacation Leave
- 428 – Overtime and Compensatory Time Policy
- 429 – Holiday Policy

2025 Employee Handbook Policy Updates

The following are newly added or recently changed City of West Fargo policies that have been approved for adoption by the City Commission.

Policy 100 (Policy Manual)

- Establishes the Policy manual and defines key terms.

Policy 102 (ADA Compliance)

- The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the American with Disabilities Act (ADA).
- *This was expanded from a general statement to a full policy, outlining the process and definitions.*

Policy 105 (Local Government Use of Social Media)

- This policy provides guidelines to ensure that any use of social media on behalf of the City is consistent with the City mission. *This was expanded to add processes.*

Policy 200 (Emergency Management Program)

- This policy addresses the preparation, maintenance, and use of the city's emergency management program.

Policy 301 (Encumbered Funds Carryover)

- Establishes guidelines for the carryover of end-of-year funds.

Policy 400 (Standards of Conduct for All Employees)

- This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees.
- *Expanded from a statement to a full policy with process and expectations.*

Policy 404 (Business Gifts and Gratuities)

- Establishes guidelines to avoid any interest, influence, or relationship that may conflict, or appear to conflict, with the interests of the City or that could affect an employee's work-related judgement.
- *Includes portions of former 'Conflict of Interest' policy.*

Policy 405 (Subpoenas and Court Appearances)

- This policy establishes the guidelines for city employees who must appear in court.
- *Includes portions of former 'Jury & Witness Pay' policy*

Policy 406 (Speech, Expression, and Social Networking)

- This policy is intended to address issues associated with the use of social networking sites and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.
- *Some content was included in past 'Social Media' policy as suggested best practices for personal accounts.*

Policy 416 (Performance Evaluations)

- This policy provides guidelines for the City performance evaluation system.
- *Expansion of former 'Annual Evaluations' and 'Job Performance' policies.*

Policy 417-(Sick Leave)

- This expanded policy provides guidance for the accrual, use, and administration of sick leave for City of West Fargo employees.
 - Accrual rates and 960-hour cap remain unchanged.
 - Formalizes historical practice of allowing Department Heads to request a starting bank or service-year credit for a prospective employee.
 - Clarifies that sick leave is for illness or medical care only (not interchangeable with vacation.)
 - Adds a section outlining supervisor responsibilities (attendance monitoring, FMLA awareness, EAP referrals.)
 - Defines how sick leave interacts with holidays, vacation, FMLA, and workers' comp.

Policy 418 (Family and Medical Leave)

- This updated policy provides general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons.

Policy 422 (Military Leave)

This updated policy provides general guidance regarding leave to perform military service as a member of the Reserves or Nation Guard, or for active duty in the U.S. Armed Forces.

Policy 426 (Personal Leave)

- This updated policy provides guidance for the use and administration of Personal Leave for City of West Fargo employees.

Policy 427 (Vacation Leave)

- This updated policy provides guidance for the accrual, use and administration of vacation leave for the City of West Fargo employees.

Policy 428 (Overtime and Compensatory Time Policy)

- This expanded and updated policy establishes the rules governing overtime and compensatory time for City of West Fargo Employees.
 - Fully aligns definitions and thresholds with FLSA (including special work-period rules for Police and Fire).
 - Tightens overtime control: advance approval required, unauthorized overtime still paid but may result in discipline.
 - Sets a uniform 80-hour comp-time cap for all non-exempt employees (temporary emergency exceptions allowed).
 - Requires comp time be used before vacation or personal leave.
 - Allows the City to cash out or require use of comp time at any time; payout occurs when separating or moving to an exempt role.
 - Clarifies overtime eligibility for exempt staff during emergency/disaster response.
 - Adds a formal complaint process for any improper exempt-salary deductions.

Policy 429 (Holiday Policy)

- The purpose of this expanded and updated policy is to define the City of West Fargo's recognized holidays and to establish guidelines for the administration of holiday pay and time off.

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City of West Fargo

Policy Manual

WELCOME FROM HR

Welcome to the City of West Fargo. Whether you are new to the organization or have been part of it for many years, we appreciate the work you do and the commitment you bring to serving our community.

As the City grows, it is important for all employees to have clear and consistent information. This manual provides an overview of employee benefits, workplace processes, key terms, and expectations. It also reflects our ongoing commitment to supporting professional development and encouraging involvement in activities that strengthen our organization and community.

We ask all employees to review the policies in this manual so everyone has the information needed to support consistent and effective work across the organization.

If you have questions, please reach out to your supervisor, department leadership, or Human Resources. We also encourage employees to share suggestions that could help improve future versions of this manual.

On behalf of Human Resources and the City organization, thank you for being part of the City of West Fargo. We look forward to continuing our work together.

Best regards,
Human Resources

City of West Fargo

Policy Manual

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Chapter 1 - Organization and Administration

Policy Manual

Effective Date:	10/06/2025
Revised Date:	
Issuing Authority: City Commission	

100.1 PURPOSE AND SCOPE

The manual of the City is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time.

100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

100.3 AUTHORITY

The City Administrator shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws, rules, and ordinances. The City Administrator or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the City Administrator or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

Policy Manual

100.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Authorized Designee – An employee who has official permission or approval to act on behalf of another person.

Employee - Any individual serving the City of West Fargo under an employment relationship in accordance with the City's Home Rule Charter, City ordinance, or North Dakota Century Code, including appointive officers (as defined in Section 1-0402 of the City Ordinances) and all other City personnel (full-time, part-time, seasonal, or temporary) who perform services under the supervision of the City Administrator or their designees.

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Manual - The City Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Official - Any individual elected to municipal office, and any individual appointed by the City Commission to serve the City of West Fargo in a non-employee capacity, including but not limited to members of City boards, commissions, committees, or other advisory or quasi-judicial bodies established under the authority of the City's Home Rule Charter, City ordinance, or North Dakota Century Code.

Senior Director - indicates any positions by this title or Chief of a division of the City

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to address grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

100.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all employees on the city network for viewing and printing. No changes shall be made to the manual without authorization from the City Administrator or the authorized designee.

Policy Manual

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the City Administrator or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

100.6 PERIODIC REVIEW OF THE POLICY MANUAL

The City Administrator will ensure that the Policy Manual is periodically reviewed and updated as necessary.

100.7 REVISIONS

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All city employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the City Administrator as appropriate.

Authorization and Delegation of Policy Approval

Effective Date:	05/05/2025
Revised Date:	07/21/2025
Issuing Authority: City Commission	

101.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear guidelines for determining which policies require approval by the City Commission and which may be authorized by the City Administrator. This policy ensures proper oversight, transparency, and efficient management of city operations while maintaining appropriate governance controls.

For departments or staff governed by independent boards or statutory authorities, references to the "City Commission" shall be interpreted as the appropriate governing body (e.g., Library Board, Airport Authority), and references to the "City Administrator" shall be interpreted as the applicable position designated by that governing body (e.g., Library Director, Airport Manager), where applicable and consistent with state law.

101.1.1 DEFINITIONS

Strategic Direction - The long-term vision, priorities, and goals that guide the city's policies, programs, budgeting, and services.

Regulatory Responsibilities - The duties our City holds to establish, interpret, and enforce local laws, ordinances, and codes that protect public health, safety, welfare, and the overall quality of life for its residents.

Daily operations - The routine tasks, services, and internal processes that city departments and staff perform on an ongoing basis to ensure the effective and efficient delivery of public services and administrative functions.

Internal controls - The systems implemented to ensure the integrity of operations, safeguard assets, prevent fraud and errors, ensure compliance with laws and policies, and support accurate financial reporting and efficient service delivery.

Personnel Governance - The set of rules, processes, and decision-making structures that guide the management and oversight of an organization's personnel.

Procedural matters - The standardized methods, steps, and workflows used by city departments to carry out tasks and ensure consistency in service delivery and internal operations.

101.2 POLICY

The City recognizes that certain policies have broad governance, financial, or legal implications and therefore require formal approval by the City Commission. Other policies, primarily related

Authorization and Delegation of Policy Approval

to internal administration and operations, may be more efficiently authorized by the City Administrator.

While the City Administrator is authorized to determine the appropriate level of approval for each proposed policy, all policies will be made immediately available to the City Commission for review. The City Commission maintains the authority to place any policy on a meeting agenda for consideration and formal vote at their discretion. Any policy individually brought forward for City Commission approval, regardless of content, may not be amended or repealed without additional action by the Commission.

101.3 POLICIES REQUIRING CITY COMMISSION AUTHORIZATION

Policies requiring City Commission approval are those that impact the City's governance, financial commitments, public welfare, or legal obligations.

Policies that shall be approved by Commission include:

- Governance and Legislative Policies - Policies that define the City's strategic direction, public services, and regulatory responsibilities.
- Budgetary and Financial Policies - Policies related to taxation, fee structures, major procurement, and multi-year capital investments. (Any policy that has financial implications, that are not specifically addressed in existing Purchasing, Budgeting & Spending, or Procurement policies, must be approved by the Commission.)
- Legal and Regulatory Policies - Policies that involve legal enactment such as ordinances, intergovernmental agreements, or adherence to state and federal laws.

101.4 POLICIES AUTHORIZED BY THE CITY ADMINISTRATOR

The City Administrator is authorized to approve policies related to internal operations, administrative processes, and routine management of city resources.

Policies that may be approved by the City Administrator include:

- Operational and Administrative Policies - Policies governing daily operations, internal controls, personnel governance, and procedural matters.
- Procurement and Contracting Policies - Policies governing routine purchasing and vendor management within pre-approved financial limits, in line with the City's existing purchasing, spending & budgeting, or procurement policies.
- Facility and Infrastructure Policies - Internal policies regarding the maintenance and use of City-owned facilities and assets.

101.5 POLICY IMPLEMENTATION AND REVIEW

The City Administrator shall ensure that all policies are documented, reviewed periodically, and communicated appropriately. Any question regarding a specific policy's level of required authorization, shall be presented to the City Commission for determination.

Authorization and Delegation of Policy Approval

101.6 ADMINISTRATIVE AUTHORITY TO CORRECT NON-SUBSTANTIVE ERRORS

The City Administrator is authorized to make non-substantive corrections to adopted policies without returning them to the City Commission for approval. These corrections may include, but are not limited to, typographical errors, misspellings, incorrect word usage, punctuation, numbering, formatting, extraneous or redundant wording, and other similar clerical or grammatical errors that do not affect the meaning, intent, or application of the policy. The intent of this authorization is to ensure that approved policies are properly written and free of minor errors, without altering their meaning or affecting their original approval.

ADA Compliance

Effective Date:	01/01/2025
Revised Date:	10/06/2025
Issuing Authority: City Commission	

102.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidance for employees as it relates to requesting reasonable accommodation in compliance with ADA requirements.

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

102.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The employees designated by the City Administrator to coordinate the City's efforts to comply with the ADA (28 CFR 35.107). For the purposes of the City of West Fargo, the Director of Communications will coordinate public requests, the Director of Human Resources will coordinate employee requests, and the City Engineer will coordinate city infrastructure requests.

Assistive devices, auxiliary aids, and services - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

ADA Compliance

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Power-driven mobility device - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterator, sign language interpreters, and intermediary interpreters.

Service animal - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

102.2 POLICY

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

Additional guidance in ADA compliance can be located in the [accompanying procedure](#).

102.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
 2. Maintaining city compliance with accessibility standards for city web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

City of West Fargo

Policy Manual

ADA Compliance

- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current city buildings and facilities to identify access issues.
 - 2. Review of current city services, activities, and programs for access issues.
 - 3. Assessment and update of current compliance measures.
 - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 - 5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.
 - 6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.
- (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
 - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).

ADA Compliance

- (l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

102.4 EMPLOYEE REQUESTS FOR ACCOMMODATION

Employees who may require a reasonable accommodation should contact the Director of Human Resources.

102.5 REQUESTS

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

102.5.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity.
 - 2. An undue financial or administrative burden on the City. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 - 3. A threat to or the destruction of the historic significance of an historic property.
 - 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with the city staff and the person requesting the modification to determine if an alternative modification is available.

ADA Compliance

- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with the city staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
 - 1. Reassigning services, programs, or activities to accessible buildings or facilities.
 - 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 - 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 - 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

102.5.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

102.5.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

102.6 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

ADA Compliance

102.6.1 INQUIRIES REGARDING MOBILITY DEVICES

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

102.7 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

102.7.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The City will not require that persons with disabilities use city-provided assistive devices, auxiliary aids, or services.

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City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

102.7.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

102.7.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

102.7.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by individuals with communications-related disabilities and received via a telecommunications relay service or equally effective telecommunications systems (28 CFR 35.161).

102.7.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the

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disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

102.7.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person when no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

102.7.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

102.8 SERVICE ANIMALS

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136). Additional guidance related to the use of service animals by City employees is located in the [accompanying procedure](#).

102.8.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

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- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

102.8.2 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

102.8.3 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

102.8.4 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

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Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

102.9 WEBSITE ACCESS

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

102.10 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

102.11 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

102.12 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through

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alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

Limited English Proficiency Services

103.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

103.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the City to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual employee - An employee of the City, designated by the City Administrator or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

103.2 POLICY

It is the policy of the City to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

The City will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

103.3 LEP COORDINATOR

The City Administrator or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

- (a) Coordinating and implementing all aspects of the city's LEP services to LEP individuals.

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Limited English Proficiency Services

- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
 - 1. Content on the city website should be included in this review and should be translated on the website, if appropriate.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the City in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding city LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to city services, programs, and activities.
- (k) Requiring third parties providing city services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

103.4 FOUR-FACTOR ANALYSIS

Because there are many different languages that employees could encounter, the City will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

Limited English Proficiency Services

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by city employees, or who may benefit from programs or services within the jurisdiction of this city.
- (b) The frequency with which LEP individuals are likely to come in contact with city employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

103.5 TYPES OF LEP ASSISTANCE AVAILABLE

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The City will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The City will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept city-provided LEP services at no cost, or they may choose to provide their own.

City-provided LEP services may include but are not limited to the assistance methods described in this policy.

103.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the city website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

103.7 AUDIO RECORDINGS

The City may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

103.8 QUALIFIED BILINGUAL EMPLOYEES

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established city procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not available, personnel from another the city who have been identified as having the requisite skills and competence may be requested.

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103.9 AUTHORIZED INTERPRETERS

Any person designated by the City to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

103.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The City may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of another the city within the City.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.

103.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the City to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such

Limited English Proficiency Services

individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

103.10 CONTACT AND DOCUMENTATION

Although all public contacts, services, and individual rights are important, this city will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this city is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the City or some other identified source.

103.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The City will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

103.11.1 EMERGENCY ASSISTANCE

City employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

103.12 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this city are important to the ultimate success of local government and achievement of the city's mission. This city will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

103.13 TRAINING

To ensure that all employees who may have contact with LEP individuals are properly trained, the City will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

Limited English Proficiency Services

103.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Authorized interpreters will receive annual refresher training.

Protected Information

104.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the City. This policy addresses the protected information that is used in the day-to-day operation of the City and not the public records information covered in the Records Maintenance and Release Policy.

104.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored, or accessed by employees of the City and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local databases that is not accessible to the public.

104.2 POLICY

Employees of the City will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

104.3 RESPONSIBILITIES

The City Administrator should designate an employee of the City to coordinate the use of protected information, including:

- (a) Overseeing employee compliance with this policy and with requirements applicable to protected information.
- (b) Developing, disseminating, and maintaining procedures necessary to comply with any requirements for the access, use, dissemination, release, and security of protected information.
- (c) Developing procedures to ensure training and certification requirements are met.
- (d) Resolving specific questions that arise regarding authorized recipients of protected information.
- (e) Implementing security practices and procedures to comply with requirements applicable to protected information.

104.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, use agreement, city policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited.

Protected Information

104.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a lawful right to know and need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the City Auditor for information regarding a formal request.

104.6 SECURITY OF PROTECTED INFORMATION

The City Administrator should designate an employee of the City to oversee the security of protected information, including:

- (a) Coordinating with the Information Security Officer (ISO) to develop and maintain security practices, procedures, and training.
- (b) Maintaining compliance with any federal, state, and local requirements pertaining to the security of protected information.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including cyberattacks.
- (d) Tracking, documenting, and reporting all breach of security incidents pursuant to the incident reporting procedures established by the ISO, where applicable, the City Administrator, and appropriate authorities (see the Cybersecurity Policy).

104.6.1 EMPLOYEE RESPONSIBILITIES

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

104.7 TRAINING

All employees authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Local Government Use of Social Media

Effective Date:	01/01/2025
Revised Date:	10/06/2025
Issuing Authority: City Commission	

105.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the City is consistent with the City mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by city employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this city.

105.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

Authorized Staff - Personnel with public information and communication responsibilities.

105.2 POLICY

The City will use social media as a method of effectively informing the public about city services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

105.3 AUTHORIZED USERS

Only employees authorized by the City Administrator or the authorized designee may utilize social media on behalf of the City or its departments. Authorized employees shall use only city-approved equipment during the normal course of duties to post and monitor city-related social media, unless they are specifically authorized to do otherwise by their supervisors.

Requests to post information over city social media by employees who are not authorized to post should be made through the Communications Department.

Local Government Use of Social Media

105.4 AUTHORIZED CONTENT

Only content that is appropriate for public release and that conforms to all city policies regarding the release of information may be posted. Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

105.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), authorized staff will be responsible for the compilation of information to be released.

105.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (e) Any information that could compromise the safety and security of city operations, employees of the City, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized.

Any employee who becomes aware of content on this city's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

105.5.1 PUBLIC POSTING PROHIBITED

City social media sites shall be designed and maintained to prevent posting of content by the public.

The City may provide a method for members of the public to contact city employees directly.

Local Government Use of Social Media

105.6 RETENTION OF RECORDS

The Communications Department will establish a method of ensuring that public records, generated in the process of social media use, are retained in accordance with established records retention schedules.

105.7 TRAINING

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on city sites.

Records Maintenance and Release

106.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of city records. Protected information is separately covered in the Protected Information Policy.

106.2 POLICY

The City is committed to providing public access to records in a manner that is consistent with state public records laws.

106.3 CITY AUDITOR

The City Auditor shall be appointed by commission. The responsibilities of the City Auditor include but are not limited to:

- (a) Managing the records management system for the City, including the retention, archiving, release, and destruction of city public records.
- (b) Maintaining and updating the city records retention schedule, including:
 - 1. Identifying the minimum length of time records must be kept.
 - 2. Identifying the city department responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing and making available to the public the records request process, to include the cost of inspecting or obtaining copies.

The City Auditor may delegate specific responsibilities for records as appropriate and in accordance with this policy.

106.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any employee who receives a request for any record shall route the request to the City Auditor or the authorized designees.

106.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) All requests should be made in writing or transferred onto the request form supplied by the City, for the purpose of clarity.
- (b) Clarification may be sought if the request is overly broad or unclear.

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Records Maintenance and Release

- (c) Inspection of records should be during regular business hours unless otherwise authorized by the City Auditor.
- (d) Records should be made available in a format readily accessible to the requester. Records may also be made available in a specific format requested and a fee charged for reasonable costs of any required processing.
- (e) Records should be provided or a denial provided to a requester within a reasonable period of time.
 - 1. If a delay in providing records is anticipated, the requester should be provided a written response with the reason for the delay and the anticipated date the records will be provided.
- (f) Fees should be charged as allowed by law and established by the City.
- (g) The City is not required to create records that do not exist.
- (h) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the city file for proof of what was actually released and as a place to document the reasons for the redaction. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the city-approved media storage system and a notation should be made in the file to document the release and the reasons for the redacted portions.

106.4.2 DENIALS

The denial of a request for records should be documented and include:

- (a) A description of the records requested.
- (b) The specific reasons for the denial.
- (c) The requestors right to request a review of the denial from the ND Attorney Generals office.

106.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any city record, except as authorized by the City, and only when such use or disclosure is permitted or required by law to carry out a legitimate government purpose.
- (b) Certain personnel information, including but not limited to an employee's residential address and telephone number, Social Security number, marital status, medical history, confidential recommendations for employment, and performance evaluation history.

Records Maintenance and Release

- (c) Records pertaining to internal investigations and disciplinary matters, including but not limited to complaints and other records relating to allegations of discrimination, harassment, or retaliation, until the investigation is complete or is made part of the official record of any hearing or court proceeding. In accordance with state law records relating to a public entity's internal investigation of a complaint against a public entity or employee for misconduct are exempt until the investigation of the complaint is complete, but no longer than seventy-five calendar days from the date of the complaint.
- (d) Certain 9-1-1 records.
- (e) Audio and video recordings obtained through use of body-worn cameras by law enforcement officers, except as provided by statute.
- (f) Certain concealed firearm license/permit information of an applicant.
- (g) Records concerning security plans, procedures, assessments, measures, or systems, and other records relating to the security of persons, structures, facilities, infrastructure, or information technology systems that could reasonably be expected to be detrimental to the public's safety or welfare.
- (h) Records pertaining to strategy or negotiations related to labor relations, employment contracts, or collective bargaining and related arbitration proceedings.
- (i) Drafts, notes, recommendations, or intra-governmental memorandums pertaining to the development of resolutions, regulations, statements of policy, management directives, ordinances, or amendments prepared by or for the City.
- (j) Records where disclosure would be detrimental to the best interests of the public.
- (k) Records pertaining to pending or potential litigation that are not records of any court.
- (l) Any record containing the work schedule of employees of a law enforcement agency.
- (m) Any other information that may be appropriately denied by federal or state law.

106.6 SUBPOENAS AND DISCOVERY REQUESTS

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the City Auditor for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas should be referred to the City Administrator or the authorized designee.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the City Administrator or legal counsel so that a timely response can be prepared.

106.7 SECURITY BREACHES

Employees who become aware that any city records system may have been breached should notify the City Auditor as soon as practicable.

The City Auditor shall ensure any required notice of the breach is given.

Records Maintenance and Release

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the City Auditor should promptly notify the appropriate employee designated to oversee the security of protected information (see the Protected Information Policy).

If the breach involves or may involve a cybersecurity incident, the City Auditor should immediately report it pursuant to the incident reporting procedures established by the Information Security Officer (see the Cybersecurity Policy).

106.8 EXPUNGEMENT

The City Auditor shall review all court orders and other filings that pertain to the expungement or sealing of records for appropriate action. Once a record is expunged or sealed, employees shall respond to any inquiry as though the record did not exist.

106.9 TRAINING

Employees authorized to manage, release, or facilitate public access to city records should receive training that includes identification of material appropriate for release or public access and the city systems and procedures guiding such release and access.

Physical Asset Management

107.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the city's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets. For the Library see Collection Development and Management Policy.

107.1.1 DEFINITIONS

Definitions related to this policy include:

Physical assets – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

107.2 POLICY

It is the policy of this city to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the City.

107.3 RESPONSIBILITIES

The City Administrator should assign a person or persons to be responsible for the inventory, maintenance, and disposal of city physical assets, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
 - 1. Procedures for disposal of all city-owned physical assets in accordance with federal, state, and local law.
 - 2. Procedures for safe disposal of hazardous waste.
 - 3. Procedures for inter-department transfers of physical assets.
 - 4. Procedures for each department to inventory assets according to internal reporting deadlines (e.g., quarterly, annually).
- (c) Developing a physical asset management plan to track the city's physical assets and maintain accurate and complete records related to these assets. The plan should include:
 - 1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
 - 2. An inventory control and recordkeeping system to account for the movement, storage, maintenance, and use, loss, damage, destruction, and disposal of the city's physical assets.
 - 3. Routine internal and external audit practices.

Physical Asset Management

4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- (d) Designating custodians within each department, as appropriate, for inter-departmental communication and to serve as inventory liaisons under the physical asset management plan.
- (e) Annual physical asset acquisition planning.

107.4 IDENTIFICATION AND TAGGING

Physical assets should be tagged using a bar code or other system to identify and locate the items. Tags should be affixed in the same manner and location on each item, when feasible. The following information regarding the tagged item should be maintained using the inventory control system and method of recordkeeping established in the physical asset management plan:

- (a) A description of the item, including but not limited to:
 1. Make, model, and serial number
 2. Physical dimensions and weight
 3. Color, material, and other physically distinct qualities
 4. Warranty and/or recall information, if any
- (b) The department and specific location where the item can be found
- (c) The acquisition date of the item, as well as the amount and funding source for the acquisition
- (d) The intended and actual use of the item
- (e) The expiration of an item's lease or loan terms

107.5 SURPLUS OR OBSOLETE ASSETS

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy.

107.5.1 STORAGE

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the City should pursue disposal of the item in accordance with this policy.

107.5.2 TRANSFERS

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

Physical Asset Management

107.6 LOSS, DAMAGE, OR DESTRUCTION

Circumstances surrounding loss, damage, or destruction of the city's physical assets shall be promptly reported to and investigated by the City Administrator or the authorized designee for purposes of inventory, valuation, and recordkeeping. Otherwise, loss, damage, or destruction of such assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy.

107.7 USAGE MONITORING

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the city's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

107.8 MAINTENANCE

Routine maintenance of physical assets should be proactive to limit interruption of the city's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The City Administrator or the authorized designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

107.9 DISPOSAL

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy.

107.10 INVENTORY AND REPORTS

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

Routine inventories should include all assets of a value greater than \$5,000. Inventories can also include any asset that departments designate as items that should be tracked and managed in accordance with this policy.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

107.11 TRAINING

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all city physical assets should receive training regarding their responsibilities under the physical asset management plan.

Chapter 2 - HEALTH & SAFETY

Emergency Management Program

Effective Date:	1/1/2025
Revised Date:	10/20/2025
Issuing Authority:	City Commission

200.1 PURPOSE AND SCOPE

This policy addresses the preparation, maintenance, and use of the city's emergency management program. This includes the Threats Hazards Identification Risk Assessment (THIRA), Training & Exercise Plan (TEP), Emergency Operations Plan (EOP), Continuity of Operations Plan & Continuity of Government (COOP/COG), Recovery plan.

200.2 POLICY

The City will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management program.

200.3 CITY RESPONSIBILITIES

The City's Emergency Manager shall be responsible for the city's emergency management program and the coordination with applicable local and state departments and entities for disaster planning, protection, mitigation, response, and recovery efforts.

200.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The emergency management program should include direction on how and who can activate the plans in response to a major emergency.

200.4.1 RECALL OF PERSONNEL

In the event that a plan is activated, all employees of the City are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

200.5 LOCATION OF THE EMERGENCY MANAGEMENT PROGRAM

Copies of the emergency management program will be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management program so they can assist employees in understanding the roles they will play when a plan is implemented.

Emergency Management Program

200.6 EMERGENCY MANAGEMENT PLAN REVIEW

The Emergency Manager should review the emergency management program at least once every year and ensure that the program conforms to any revisions made by the National Incident Management System (NIMS).

200.7 TRAINING

The City Emergency Manager should coordinate training and exercises on the emergency management program for all personnel.

Public Safety Video Surveillance System

201.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of city public safety video surveillance, as well as the storage and release of the captured images.

201.2 POLICY

The City operates a public safety video surveillance system to enhance public safety and security in public areas. Cameras may be placed in strategic locations to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist city officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

201.3 OPERATIONAL GUIDELINES

Only city-approved video surveillance equipment shall be utilized. Employees authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The City Administrator or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

201.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. Environmental factors, including lighting, location of buildings, and presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras should only record video images and not sound. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To respond to critical incidents.
- (c) To augment resources in a cost-effective manner.
- (d) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be preserved and the appropriate City official should be notified in a timely manner.

The City Administrator or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by

Public Safety Video Surveillance System

law enforcement, government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention of anything documented by public safety surveillance equipment is prohibited.

201.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment should be marked in a conspicuous manner with appropriate signs to inform the public that the area is under surveillance by the City. Signs should be well lit, placed appropriately, and without obstruction to ensure visibility.

201.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The City may elect to integrate its public safety video surveillance system with other technology to enhance available information. Integration with video-based analytical systems may be considered based upon availability and the nature of the surveillance strategy.

The City should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems requires additional safeguards.

201.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure employees follow city policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

201.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and Department of the person being given access to the images.
- (c) Name of the person authorizing access.
- (d) Identifiable portion of images viewed.

201.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Public Safety Video Surveillance System

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

201.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. All actions taken with respect to preservation or retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with this policy and the established records retention schedule.

201.5.1 EVIDENTIARY INTEGRITY

Any recording that has been identified as evidence, or that could be relevant to pending or reasonably anticipated investigations or legal action, shall be preserved in a manner that retains its original content.

201.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the City.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records.

Requests for recorded images from other government entities shall be referred to the City Administrator.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established city subpoena process.

201.7 VIDEO SURVEILLANCE AUDIT

The Director of Information Technology will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit, and effectiveness of the system, including any public safety issues that were effectively addressed and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented and maintained by the Director of Information Technology and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

201.8 TRAINING

All city employees authorized to operate or access public safety video surveillance systems should receive appropriate training. Training should include guidance on the use of cameras and a review of relevant policies and procedures. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Illness and Injury Prevention

202.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each division within the City may set its own related policies or procedures that do not conflict with this policy.

202.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

202.3 ILLNESS AND INJURY PREVENTION PLAN

The Safety Committee, as appointed by the City Administrator is responsible for overseeing the development of an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of city workplace safety policies and procedures of each division.
- (c) Posted or distributed safety information.
- (d) A system for employees to inform management about workplace hazards.
- (e) The members of the City Safety Committee will:
 - 1. Meet regularly.
 - 2. Include representation from each division.
 - 3. Prepare a written record of safety and health committee meetings.
 - 4. Review the results of periodic scheduled inspections.
 - 5. Review investigations of accidents and exposures.
 - 6. Make suggestions to department heads for the prevention of future incidents.
 - 7. Review investigations of alleged hazardous conditions.
 - 8. Evaluate and make recommendations using employee safety suggestions.
 - 9. Assess the effectiveness of efforts made by the City to meet applicable standards.
- (f) Establishing and provide training on a process to ensure illnesses and injuries are reported as required under state law.

Illness and Injury Prevention

202.4 SAFETY COMMITTEE RESPONSIBILITIES

The responsibilities of the Safety Committee and its members include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 - 1. New employee orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular employee review of the illness and injury prevention plan.
 - 3. Ensuring that the employee evaluation process includes employee safety performance.
- (c) Ensuring that all safety and health policies and procedures are maintained and acknowledged by all employees.
- (d) Supporting departments in taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. Steps the departments take include but are not limited to:
 - 1. Informing employees of the illness and injury prevention guidelines.
 - 2. Recognizing employees who perform safe work practices.
 - 3. Ensuring compliance with any applicable safety standards related to:
 - (a) Communicable diseases
 - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
 - (c) Emergency Management Program
 - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form or link to document individual incidents or accidents.
- (g) Provide training to document the safety and health training of each employee in the HRIS system.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

202.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.

Illness and Injury Prevention

- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- (c) Establishing and maintaining communication with employees on health and safety issues.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the appropriate Safety Committee member.
- (e) Notifying the appropriate manager or Department Head when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Work-related illnesses and injuries occur.
 - 4. Workplace conditions warrant an inspection.

202.6 HAZARDS

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to their supervisor or appropriate Safety Committee member.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection to do so.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Department Head.

The Department Head will notify the Safety Committee if edits are needed to ensure the illness and injury prevention plan addresses potential hazards.

202.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The appropriate Senior Director or Chief is responsible for ensuring that the appropriate documentation is completed for each inspection.

Illness and Injury Prevention

202.7.1 EQUIPMENT

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, at the beginning of their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

202.8 INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to immediately report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Suggest a corrective action to prevent the accident/exposure from recurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor shall proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

202.9 TRAINING

Employees, including supervisors, shall be provided with training on general and job-specific workplace safety and health practices. Training provided may include:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the City is made aware of a new or previously unrecognized hazard.

202.9.1 TRAINING TOPICS

Training topics should include, as applicable:

Illness and Injury Prevention

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, handwashing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

202.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Work-Related Illness and Injury

203.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related physical injury or an occupational illness.

203.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related injury or illness - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

203.2 POLICY

All employees are provided coverage by North Dakota State Workforce Safety and Insurance (WSI) for accidental injury or work-related illnesses in the performance of their official duties. All occupationally-related accidents and injuries or occupationally-incurred illnesses must be reported immediately to the employee's supervisor.

203.3 RESPONSIBILITIES

203.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related injury or illness as soon as practicable, but within 24 hours, to a supervisor, and seek medical care when appropriate. Even if medical attention is not sought, the employee must fill out an incident report for the city and WSI.

203.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or illness shall:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Have the employee complete an incident report with WSI.
- (c) Have the employee fill out a First Report of Injury if they intend to seek medical treatment.
 - 1. If the employee is unsure of whether or not they want to seek treatment, this form can be filed later, though still within 48 hours of the incident.
- (d) Notify the Benefits Coordinator located in the Human Resources Department.

203.4 COMPENSATION FOR WORK RELATED CONDITION

Time loss due to a work-related injury or work-related illness will be deducted from an employee's accumulated sick leave. Any benefit payment from WSI must be reported immediately, by the employee, to Human Resources and payroll. The benefit payment amount will be deducted from the employee's pay or can be surrendered to the City. The employee's sick leave balance will be credited back for hours taken based upon the amount of benefit payment surrendered to the City.

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Work-Related Illness and Injury

The formula used to calculate sick leave credit is as follows: Dollar amount received divided by the employee's hourly rate equals sick leave hourly credit.

For Example:

\$250.00	÷ \$25.00 per Hour	= 10 Hours
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An employee unable to perform assigned duties due to a workplace injury or illness may be required to perform modified duty assignments. Please refer to the Modified Duty Assignment section of this handbook.

Employees who suffer a work-related illness or injury or who are subject to medical examination as a condition of the WSI program will be compensated for the hours during which the WSI approved treatment or examination is being performed. Compensation shall be made in compliance with FLSA requirements. Employees are to schedule treatment or examinations during scheduled work time when possible.

203.5 OTHER ILLNESS OR INJURY

Work-related incidents that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Safety Committee member designated for their work site and copied to the Human Resources Department.

The affected employee shall sign the form indicating a desire for or no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

203.6 SETTLEMENT OFFERS

When an employee experiences a work-related injury or illness that is caused by another person and is subsequently contacted by that person, or a representative of, to offer a settlement, the employee shall take no action. The employee will submit a written report of this contact to a Department Head or designee as soon as possible.

203.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the City Administrator or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the City Administrator or the authorized designee. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related injury or illness, and to protect the city's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

Communicable Diseases

204.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

204.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to COVID-19, Influenza, hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the City. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

204.2 POLICY

The City is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

204.3 EXPOSURE CONTROL OFFICER

The Emergency Manager is assigned as the Exposure Control Officer (ECO). The ECO is responsible for the development of an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that city employees will have no-cost access to personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each employee's position and risk of exposure.
- (d) Identification of exposure risks and reasonable efforts to reduce additional exposure.
- (e) Compliance with all relevant laws or regulations related to communicable diseases which may include the following:
 - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136)
 - 2. Bloodborne pathogen precautions, including exposure determination, if required (29 CFR 1910.1030)

Communicable Diseases

The ECO will also act as the liaison with the state occupational health and safety authority and may request voluntary compliance inspections. The ECO will annually review and update the exposure control plan and review implementation of the plan.

204.4 EXPOSURE PREVENTION AND MITIGATION

204.4.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or city vehicles, as applicable.
- (b) Wearing city-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

204.4.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided.

204.5 POST EXPOSURE

Communicable Diseases

204.5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

204.5.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030):

- (a) Identification of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. Supervisors should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

204.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

City employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030):

- (a) Whether the employee has been informed of the results of the evaluation.
- (b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

Communicable Diseases

204.5.4 COUNSELING

The City provides the employee, and the employee's family if necessary, the opportunity for counseling and consultation through the Employee Assistance Program.

204.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed employee's Department Head to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting assistance from local health authorities to obtain testing.
- (c) Acquiring a court order in accordance with state law.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Administrator to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

204.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

204.7 TRAINING

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- (a) Should be provided at the time of hire and at least annually after the initial training.
- (b) Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Personal Protective Equipment

205.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the City.

205.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

205.2 POLICY

The City endeavors to protect employees by supplying certain PPE as provided in this policy.

205.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

205.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

205.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- (a) Hearing protection (29 CFR 1910.95)
- (b) Eye protection (29 CFR 1910.133)
- (c) Respiratory protection (29 CFR 1910.134)
- (d) Head protection (29 CFR 1910.135)
- (e) Foot protection (29 CFR 1910.136)
- (f) Electrical protective equipment (29 CFR 1910.137)
- (g) Hand protection (29 CFR 1910.138)
- (h) Personal fall protection systems (29 CFR 1910.140)

Personal Protective Equipment

205.6 RECORDS

Department Heads or assigned designees are responsible for maintaining department records of all:

- (a) PPE training
- (b) PPE procurement and distribution
- (c) Fit tests

The Human Resources Department is responsible for maintaining department records of all medical evaluations related to protection equipment, when applicable. Medical evaluation questionnaires and any physical examination results shall be maintained in the confidential section of the employee's personnel file.

The records shall be maintained in accordance with the city records retention schedule.

205.7 TRAINING

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Employees issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

Key and Electronic Access Device Controls

206.1 PURPOSE AND SCOPE

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

206.1.1 DEFINITIONS

Definitions related to this policy include:

Key - All electronic or mechanical devices used to access or exit city buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

Hard Key - A metal key, inventoried by the Fleet and Facilities Manager.

Soft Key - An RFID or HID fob that allows keyless entry through doors on an access control system. All City of West Fargo soft keys are inventoried by the Director of Information Technology.

206.2 POLICY

It is the policy of the City that all keys used to access local government buildings and facilities are inventoried and controlled.

206.3 KEY IDENTIFICATION

All keys that open any doors or locks to city buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.

A separate secure document identifying all hard keys will be maintained by the Fleet and Facilities Manager. A separate secure document or application identifying all soft keys will be maintained by the Director of Information Technology.

206.4 KEY CONTROL

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the City. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the City Administrator or the authorized designee.

The Fleet and Facilities Manager and the Director of Information Technology should regularly inventory all city keys.

Key and Electronic Access Device Controls

206.5 LOCK POLICY

All city buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to city buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to city buildings and facilities unlocked or propped open.

206.6 TESTING

The Fleet and Facilities Manager or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

206.7 EMERGENCY KEY SET

At least one key set containing every key for city buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the Fleet and Facilities Manager or the authorized designee in the event of an emergency.

206.8 MISSING KEYS

Any employee who discovers that a key or key set is missing shall report it to a supervisor as soon as reasonably practicable. If a reasonable effort to locate the key fails, the supervisor shall notify the Fleet and Facilities Manager or the authorized designee regarding the loss of the key, when it was discovered, and the circumstances involved.

The Fleet and Facilities Manager or the authorized designee will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

206.9 DAMAGED KEYS OR LOCKS

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

206.10 KEY CONTROL RECORDS

The Fleet and Facilities Manager and the Director of Information Technology will maintain documentation for the accounting and security of all keys and key sets. Key control measures should be documented by the designated employee and the records retained in accordance with the established records retention schedule of the City.

Animal Access

207.1 PURPOSE AND SCOPE

This policy regulates the presence of animals within City Hall premises, ensuring the safety, hygiene, and comfort of all employees, visitors, and animals while maintaining compliance with legal requirements.

This policy applies to all employees, visitors, and animals accessing City Hall facilities.

207.1.1 DEFINITIONS

City Buildings - Any building or structure in which the City of West Fargo has primary control or responsibility.

K-9 Unit - Law Enforcement canines of the City of West Fargo PD, West Fargo FD, or related agencies.

Service Animals – as defined in 102 ADA Compliance

207.2 POLICY

With the exception of legally required service animals or working department dogs, no animals are permitted within City buildings that are rented or leased by the City. Animals may only be permitted within City-owned buildings with the authorization of the Department Head.

207.3 SERVICE ANIMALS

Any employee seeking an accommodation for a service animal under the ADA should speak to Human Resources in accordance with the ADA Compliance Policy.

All individuals accompanied by service animals must ensure that the animals remain under control at all times and do not disrupt the normal City operations.

Service animals must be leashed or harnessed, unless such restraint interferes with the animal's ability to perform its duties or if the individual's disability precludes the use of a leash or harness.

Individuals accompanied by service animals are responsible for ensuring that the animals do not pose a threat to the safety or well-being of others. Additional guidance can be located in the ADA Compliance policy and within the [accompanying procedure](#).

207.4 REMEDIES

Any individual found in violation of this policy may be asked to remove the animal from the premises. Failure to comply may result in further disciplinary action or denial of access to City buildings.

Personal Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy is to promote the safety of all employees by providing guidance on the possession of firearms in the workplace.

This policy does not apply to duty firearms authorized by the City for use by employees while performing official duties.

208.2 POLICY

The City will make reasonable efforts to reduce risk to employees and the public by placing limitations on firearms being brought onto city property, or carried by employees during work hours or while representing the City in any capacity.

208.3 PROHIBITIONS

Employees are prohibited from possessing a firearm while on or in city property or vehicles, during work hours, and while representing the City in any capacity except as provided in this policy and consistent with state law.

208.4 FIREARMS IN VEHICLES

State law permits an employee to keep a firearm in the employee's personal vehicle parked on city property if the firearm is legally possessed and locked inside or locked to the employees motor vehicle.

Consistent with the requirements of [state law](#), at no time will the City make a verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or make an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle.

In addition, a public employer may not take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes.

A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by an on-duty law enforcement officer.

Chapter 3 - FINANCIAL

Purchasing Policy

Effective Date:	5/15/2023
Revised Date:	6/3/2024
Issuing Authority:	City Commission

300.1 PURPOSE AND SCOPE

This policy establishes the procedure for the approval of Construction Contracts, Professional Contracts, Professional Contract Budget Items, Budget Amendment Items, Budget Adjustment Items, and Change Orders and Amendments.

300.1.1 DEFINITIONS

Amendment - An addition, deletion, or revision in the Work or an adjustment in the Contract Price or Contract Time, or other revision to the Contract, executed by the parties on or after the effective date of the Contract.

Approved Budget - The annual budget of the City that is approved by the Board of City Commissioners.

Assistant City Administrator - The assistant administrative officer of the City or his or her designee(s).

Best Efforts - That the individual will act in Good Faith, in accordance with generally accepted commercial practices, and use reasonable due diligence to undertake all action contemplated by this Policy, in accordance with applicable federal and state laws, regulations, and rules.

Bid – A formal offer of an individual or entity submitted, pursuant to Chapter 48- 01.2, N.D.C.C., as may be amended from time to time, on the prescribed form setting forth the prices for the Work to be performed.

Budget Adjustment Item - An item that is not initially included in the Approved Budget or Capital Improvement Plan but is added to the Approved Budget or Capital Improvement Plan at a later date by approval of the City Commission.

Budget Amendment Item - An item that is initially included in the Approved Budget or Capital Improvement but is adjusted at a later date by approval of the City Commission.

Budget Item - An item that is included in the Approved Budget and specifically identified as a line item in the Approved Budget.

Capital Improvement Plan - The capital improvement plan for the City that is approved by the City Commission.

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Change Order - A document that is signed by the Contractor and City and authorizes an addition, deletion, or revision in the Work or an adjustment in the Contract Price or the Contract Time, or other revision to the Contract, issued on or after the effective date of the Contract.

Change Proposal - A written request by a Contractor, duly submitted in compliance with the procedural requirements set forth herein, seeking an adjustment in Contract Price or Contract Time or both; contesting an initial decision concerning the requirements of the Contract Documents or the acceptability of Work under the Contract Documents; challenging a set-off against payments due; or seeking other relief with respect to the terms of the Contract.

City- City of West Fargo, North Dakota.

City Administrator - The chief administrative officer of the City and his or her designee(s).

City Engineer - The chief engineer of the City or his or her designee(s).

City Work Directive - A work directive given by the City to a Contractor.

Contract - The entire and integrated written contract between the City and Contractor, Consultant, and/or Vendor, concerning the Work.

Contract Documents - Those items so designated in the Contract, which together comprise the Contract.

Contract Price - The money that the City has agreed to pay the Contractor for completion of the Work in accordance with the Contract Documents.

Contract Time - The number of days or the dates by which the Contractor shall:

- (a) achieve milestones, if any
- (b) achieve substantial completion; and
- (c) complete the Work.

Contractor - The individual or entity with which the City has contracted for the performance of the Work or for supplying goods or services.

Department Head - The individual with the highest level of authority and responsibility for a city department; or the Assistant City Administrator as applicable.

Effective Date of this Policy - The date on which the policy is adopted or amended thereafter by the West Fargo Board of City Commissioners.

Emergency Purchase - A purchase and/or contract approval/amendment that must be made immediately for the sake of public health or public safety; or to protect the integrity of City property or infrastructure; or to minimize serious disruption of City services.

Estimated Project Cost - The initial estimate of all costs attributable to the Work.

Field Order - Written instructions from the City to a Contractor for a minor change in the Work, but which does not involve an adjustment to the Contract Price or Contract Time.

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Finance Director - The finance director of the City or his or her designee(s).

Good Faith - Observance of reasonable commercial standards of fair dealing in a given trade or business.

N.D.C.C. - The North Dakota Century Code.

Piggyback Procurement - A purchase made from a competitively procured contract executed by other Federal, State, and Local government agencies.

Professional Contracts - Contracts for engineering, architectural, or other professional services, including maintenance contract, janitorial services, specialized testing or survey work.

Proposal - The formal offer of an individual or entity submitted on the prescribed form setting forth the Work to be performed, whether or not submitted pursuant to N.D.C.C. chapter 48-01.2.

Public Works Director - The public works director of the City or his or her designee(s).

Purchasing Employee - An employee that has been designated with purchasing authority for a City department.

Quote - An informal price quote for goods or services containing the date, the name of the Contractor, the Contractor's contact person, and the quoted price for the Work.

Requesting Party - The City Engineer, the Public Works Director, the City Administrator, other City staff, or a consultant, as applicable to a request for change or Amendment.

Work - All tasks, services, and obligations required to be furnished, performed, and provided under a Contract.

Work Change Directive - A written directive to a Contractor that does not change the Contract Price or the Contract Time but is evidence that the parties expect that the modification ordered or documented by a Work Change Directive will be incorporated into a subsequently issued Change Order.

300.2 POLICY

Compliance with this policy requires judgment regarding the application of specific policy thresholds listed herein, and care should be employed to avoid the acquisition of unnecessary or duplicative items. Additionally, consideration should be given to consolidating or separating procurements to obtain a more economical purchase. Where appropriate, an analysis must be made for leasing in lieu of purchasing or for any other applicable alternative to determine the most economical approach. Departmental personnel should evaluate their purchasing patterns and apply the appropriate procurement method based upon the annual volume of resources expended. An annual estimate of quantities of materials and services consumed by a department will help to determine which procurement method is appropriate. If a department reasonably expects to consume a large dollar amount of a small value item, then the total usage should be aggregated for the year to determine compliance with the purchasing policy.

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Example: Department A can reasonably predict that it will consume One Thousand (1,000) items with a unit cost of One Hundred Dollars (\$100) per item. Items are purchased throughout the year at various times in multiple orders as needed. The estimated annual purchase volume should be measured as \$100,000 for purposes of the purchasing policy limits consideration.

Departmental personnel should also include the entire cost of making an asset ready for use by the City, including the cost of acquisition, accessories, delivery, and other incidentals, in its estimation of cost for an asset. The costs associated with payments for maintenance contracts are not to be considered capital costs.

For the purpose of this policy, the City Administrator may designate certain positions within the City of West Fargo as official "designees" to the City Administrator as it relates to the City's Purchasing Policy.

Positions Noted:

- Senior Director of Community and Development
- Senior Director of Administrative Services
- Senior Director of Public Works
- Police Chief
- Fire Chief

Designating these positions as such would allow the acting persons within those positions authorization to approve expenditures currently shown as "Approval By: City Administrator" within the executed City of West Fargo Purchasing Policy.

The attached table outlines the parameters of this policy. [See attachment: Purchasing Policy Outline.pdf](#)

300.3 APPROVAL OF NEW CONTRACTS

300.3.1 CONSTRUCTION CONTRACTS

The procedure for the approval of new construction contracts that are not Budget Items, Budget Amendment Items, or Budget Adjustment items is as follows:

- (a) For Construction Contracts in the amount of Fifty Thousand Dollars (\$50,000) or less:
 1. The City Engineer or Public Works Director will use their Best Efforts to secure two (2) Quotes for the proposed construction work. In the event they determine that only one (1) Contractor can provide the construction work or materials, they may dispense with the requirement to use their Best Efforts to secure two (2) Quotes.
 2. The City Engineer or Public Works Director will submit the proposed Quotes and Contracts, along with a recommendation, to the City Administrator. The City Administrator will review the Quotes and Contracts and may approve a Contract. If only one (1) Quote is secured, the City Administrator must consider the factors

New Construction Contracts (Section 300.3.1)			
<u>Contract Amount (CA):</u>	<u>Approval By:</u>	<u>Competition:</u>	<u>Documentation:</u>
CA ≤ \$50,000	City Administrator	Solicit quotes	Informal price quotes
\$50,000 < CA ≤ \$200,000	City Commission	Solicit quotes	Informal price quotes
CA > \$200,000	City Commission	Advertise for Bids	Per N.D.C.C.
Change Orders to Construction Contracts (Section 300.4.2)			
<u>Change Order Amount:</u>		<u>Approval By:</u>	
CO ≤ \$25,000 (not to exceed 25% of Contract)		City Engineer	
\$25,000 < CO ≤ \$100,000 (not to exceed 25% of Contract)		City Administrator	
CO > \$100,000 or exceeds 25% of Contract		City Commission	
New Professional Contracts (Section 300.3.2)			
<u>Contract Amount (CA):</u>	<u>Approval By:</u>	<u>Competition:</u>	<u>Documentation:</u>
CA ≤ \$50,000	City Administrator	Solicit quotes	Informal price quotes
CA > \$50,000	City Commission	Solicit bids/proposals	Formal submittal process
New Task Orders (under a Professional Contract) AND Amendments to Professional Contracts <u>OR</u> Task Orders (Section 300.4.3)			
<u>TO/Amend. Amount:</u>		<u>Approval By:</u>	
TO/A ≤ \$10,000 (not to exceed 25% of Contract)		Department Head	
\$10,000 < TO/A ≤ \$50,000 (not to exceed 25% of Contract)		City Administrator	
TO/A > \$50,000 or exceeds 25% of Contract		City Commission	
New Purchases and Contracts for Items Previously Approved by the City Commission as part of the Annual Budget or an Amendment/Adjustment (Section 300.3.3)			
<u>Purch. /Cont. Amt.:</u>	<u>Approval By:</u>	<u>Competition:</u>	<u>Documentation:</u>
Amt. ≤ \$25,000	Department Head	Solicit quotes	Informal price quotes
\$25,000 < Amt. ≤ \$100,000	City Administrator	Solicit quotes	Informal price quotes
Amt. > \$100,000	City Commission	Solicit bids/proposals	Formal submittal process
Amendments to Purchases & Contracts for Items Previously Approved by the City Commission as part of the Annual Budget or an Amendment/Adjustment (Section 300.4.4)			
<u>Amendment Amount:</u>		<u>Approval By:</u>	
Amt. ≤ \$50,000 (not to exceed 25% of Purchase/Contract)		City Administrator	
Amt. > \$50,000 or exceeds 25% of Purchase/Contract		City Commission	
Sole Source and Piggyback (Section 300.3.4)			
Emergency Purchase (Section 300.5.2)			

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set forth in Section 300.3.4, if applicable, before approving a Contract. The City Administrator may approve a Contract that is not based on the lowest Quote.

- (b) For Construction Contracts greater than Fifty Thousand Dollars (\$50,000) but equal to or less than Two Hundred Thousand Dollars (\$200,000):
 - 1. The City Engineer or Public Works Director will use their Best Efforts to secure three (3) Quotes for the proposed construction work. In the event they determine that only one (1) Contractor can provide the construction work or materials, they will provide such recommendation to the City Administrator. The City Administrator will review and make the decision whether to dispense with the requirement to use Best Efforts to secure three (3) Quotes.
 - 2. The City Engineer or Public Works Director will submit the proposed Quotes and Contracts, along with a recommendation, to the City Commission. The City Commission will review the Quotes and Contracts and may approve a Contract. If only one (1) Quote is secured, the City Commission must consider the factors set forth in Section 300.3.4, if applicable, before approving a Contract. The City Commission may approve a Contract that is not based on the lowest Quote.
- (c) For Construction Contracts greater than Two Hundred Thousand Dollars (\$200,000):
 - 1. If the estimated cost for the proposed construction project is Two Hundred Thousand Dollars (\$200,000) or greater, the City Engineer will advertise for Bids and receive all Bids for the Contract.
 - 2. The City Engineer will open the Bids at a public meeting. The City Engineer will review the Bid of the lowest responsible bidder and make a recommendation to the City Commission as to the sufficiency of the Bid. The City Engineer and the City Commission may reject all Bids, and the City Commission, with assistance from the City Engineer, may subsequently re-advertise for Bids if no Bids are satisfactory.

300.3.2 PROFESSIONAL CONTRACTS

The procedure for the approval of new Professional Contracts, entered into after the Effective Date of this Policy, that are not Budget Items, Budget Amendment Items, or Budget Adjustment Items is as follows:

- (a) For Professional Contracts in the amount of Fifty Thousand Dollars (\$50,000) or less:
 - 1. The Department Head will use his or her Best Efforts to secure two (2) Quotes for the proposed Professional Contract. In the event the Department Head determines that only one (1) Contractor can provide the services, they may dispense with the requirement to use his or her Best Efforts to secure two (2) Quotes.
 - 2. The Department Head will submit the proposed Quotes and Contracts, along with a recommendation, to the City Administrator. The City Administrator will review the Quotes and Contracts and may approve a Contract. If only one (1) Quote is secured, the City Administrator must consider the factors set forth in Section 300.3.4, if applicable, before approving a Contract.

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- (b) For Professional Contracts greater than Fifty Thousand Dollars (\$50,000):
 - 1. The Department Head shall advertise for Bids and/or Proposals and receive all Bids and/or Proposals for the Contract.
 - 2. The Department Head will open the Bids and/or Proposals. After confirming with the City Administrator, the Department Head will make a recommendation to the City Commission as to the sufficiency of the Bids and/or Proposals. The Department Head or the City Commission may reject all submittals and re-advertise for the same scope of work, or an agreed amended scope.

This policy does not require existing professional service agreements to be rebid and only applies to any new professional service agreements entered into after the effective date of the Policy.

300.3.3 NEW PURCHASES AND CONTRACTS FOR ITEMS PREVIOUSLY APPROVED BY THE CITY COMMISSION AS PART OF THE ANNUAL BUDGET

The procedure for the approval of Contracts for new Budget Items, Budget Amendment Items, and Budget Adjustment Items is as follows:

- (a) For Budget Items, Budget Amendment Items, or Budget Adjustment Items Contracts in the amount of Twenty-Five Thousand Dollars (\$25,000) or less:
 - 1. The Purchasing Employee will use his or her Best Efforts to secure two (2) Quotes for the goods or services. In the event the Purchase Employee determines only one (1) Contractor can provide the goods or services, the Purchasing Employee will provide such recommendation to the Department Head. The Department Head will review and make a recommendation to the Purchasing Employee to dispense with the requirement to use his or her Best Efforts to secure two (2) Quotes.
 - 2. The Purchasing Employee will submit the proposed Quotes and Contracts, along with a recommendation, to the Department Head. The Department Head will review the Quotes and Contracts and may approve a Contract. If only one (1) Quote is secured, the Department Head must consider the factors set forth in Section 300.3.4, if applicable, before approving a Contract. The Department Head will notify the Finance Director upon approval of a Contract.
- (b) For Budget Items, Budget Amendment Items, or Budget Adjustment Items Contracts greater than Twenty-Five Thousand Dollars (\$25,000) but equal to or less than One Hundred Thousand Dollars (\$100,000):
 - 1. The Department Head will use his or her Best Efforts to secure three (3) Quotes for the proposed goods or services. In the event the Department Head determines only one (1) Contractor can provide the goods or services, the Department Head will provide such recommendation to the Finance Director. The Finance Director will review and make a recommendation to the Department Head to dispense with the requirement to use his or her Best Efforts to secure three (3) Quotes.
 - 2. The Department Head will submit the proposed Quotes and Contracts, along with a recommendation, to the Finance Director. The Finance Director will review the Quotes and Contracts and make a recommendation to the City

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Administrator. The City Administrator will review the Quotes and Contracts, along with the recommendations of the Department Head and the Finance Director, and may approve a Contract. If only one (1) Quote is secured, the City Administrator must consider the factors set forth in Section 300.3.4, if applicable, before approving a Contract.

- (c) For Budget Items, Budget Amendment Items, or Budget Adjustment Items Contracts greater than One Hundred Thousand Dollars (\$100,000):
1. The City Administrator, with assistance from the Department Head and the Finance Director, shall advertise for Bids and/or Proposals and receive all Bids and/or Proposals for the Contract.
 2. The Department Head and the Finance Director will open the Bids and/or Proposals at a public meeting in accordance with N.D.C.C. § 48-01.2-07. The Department Head and the Finance Director will review the Bid and/or Proposal of the lowest responsible bidder in accordance with N.D.C.C. § 48-01.2-07 and make a recommendation to the City Administrator as to the sufficiency of the Bid and/or Proposal. The Department Head, the Finance Director, and the City Administrator may reject all Bids and/or Proposals, and the City Administrator, with assistance from the Department Head and the Finance Director, may subsequently re-advertise for Bids or Proposals if no Bids and/or Proposals are satisfactory.

300.3.4 SOLE SOURCE AND PIGGYBACK PURCHASES/CONTRACTS

In the event only one (1) Quote is available, a Sole Source Purchase may be used. Sole Source shall be allowed only in the following situations:

- Material, product, or item is regarded as one-of-a-kind and is the only known source; or
- The item or product is a manufacturer direct sale with no distributors; or
- The item or product is a patented or proprietary item; or
- The purchase is necessary for repairing or replacing parts or components of existing assets or equipment; or
- An item for which users have had extensive training and experience and the use of any other similar piece of equipment would require considerable reorientation and training.

When using "piggyback procurement", the Department Head is responsible to assure evidence of a competitively procured contract is available for review if necessary.

300.4 APPROVAL OF CHANGES AND AMENDMENTS

300.4.1 STAFF DUTIES

The City Commission recognizes and acknowledges that situations will arise that require the City Administrator or City Engineer to authorize work prior to submitting a Change Order, Work Change Directive, or City Work Directive to the City Commission pursuant to the procedure outlined in this Article. The City Administrator or City Engineer, as applicable, will use his or her Best Efforts to secure City Commission approval of all Changes Orders, Work Change Directives, and City Work

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Directives prior to work being commenced; however, the City Commission hereby authorizes the City Administrator and the City Engineer to authorize Change Orders, Work Change Directives, and City Work Directives, without City Commission approval, when public safety dictates that Contract actions need to be taken in order to stabilize worksites and/or mitigate costs to the public and/or the City. If the City Administrator or City Engineer, as applicable, acts pursuant to the authority set forth in this article, he or she will make a Good Faith effort to contact the President of the City Commission prior to authorizing a Contractor to proceed. The City Administrator or the City Engineer, as applicable, will report such actions and/or decisions to the City Commission for formal approval.

300.4.2 CHANGE ORDERS TO CONSTRUCTION CONTRACTS.

- (a) Change Order requests to City Construction Contracts shall state in detail the reason for the proposed change and all costs associated with the change. The Requesting Party shall be responsible for preparing the Change Order requests with an itemization and narrative explanation of each Change Order. The Finance Director will provide the Requesting Party with the requirements for submitting all costs.
- (b) If the Change Order request is for Twenty-Five Thousand Dollars (\$25,000) or less and does not exceed twenty five percent (25%) of the Estimated Project Cost, the Requesting Party will submit the Change Order request and his or her recommendation to the City Engineer. The City Engineer may approve the request in his or her discretion.
- (c) If the Change Order request is greater than Twenty-Five Thousand Dollars (\$25,000), the Requesting Party will submit the Change Order request and his or her recommendation to the City Administrator. If the Change Order request is for One Hundred Thousand Dollars (\$100,000) or less and does not exceed twenty five percent (25%) of the Estimated Project Cost, the City Administrator may approve the request in his or her discretion. If the Change Order request; (i) is for greater than One Hundred Thousand Dollars (\$100,000) or (ii) exceeds twenty five percent (25%) of the Estimated Project Cost, then the City Administrator will review the Change Order and submit his or her recommendation to the City Commission for review and denial or approval.
- (d) A Change Order approved by the City Engineer, the City Administrator, or the City Commission may be approved in whole or in part.
- (e) The City Commission recognizes that time is of the essence in making Change Orders and, therefore, agrees to approve or deny requests for Change Orders during the next City Commission meeting after submittal by the City Administrator.

300.4.3 NEW TASK ORDERS (UNDER A PROFESSIONAL CONTRACT) AND AMENDMENTS TO PROFESSIONAL CONTRACTS OR TASK ORDERS.

- (a) New Task Orders under a Professional Contract and Amendments to Professional Contracts or existing Task Orders shall be prepared by the Department Head. If an Amendment has a value equal to or less than twenty-five percent (25%) of the original Professional Contract or Task Order and/or Twelve Thousand Five Hundred Dollars

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(\$12,500) or less, the Department Head will review and approve. For task orders and amendments that exceed the aforementioned threshold, the Department Head will submit the proposed draft and a recommendation to the City Administrator.

- (b) The City Administrator may, in his or her discretion, approve of a new Task Order or an Amendment up to a value of Fifty Thousand Dollars (\$50,000) as long as it does not exceed twenty-five (25%) of the original Professional Contract or Task Order. If a new task order or an Amendment is greater than Fifty Thousand Dollars (\$50,000) and/or exceeds twenty-five (25%) of the original Professional Contract or Task Order, the City Administrator will submit the proposed draft and a recommendation to the City Commission.

300.4.4 AMENDMENTS TO PURCHASES AND CONTRACTS FOR ITEMS PREVIOUSLY APPROVED BY THE CITY COMMISSION AS PART OF THE ANNUAL BUDGET

- (a) The Department Head will submit an Amendment to the City Administrator with appropriate documentation and written justification.
- (b) If an Amendment is Fifty Thousand Dollars (\$50,000) or less, the City Administrator may, in his or her discretion, give final approval. If the Amendment is greater than Fifty Thousand Dollars (\$50,000), the Department Head or City Administrator will prepare the appropriate documentation and request approval from the City Commission.

300.5 MISCELLANEOUS

300.5.1 GOVERNING LAW

This Resolution will be controlled by the laws of the State of North Dakota.

300.5.2 EMERGENCY POWERS

Nothing in this Resolution shall be construed as limiting the Authority of the President of the City Commission, the City Commission, the City Administrator, Chief of Police, or Chief of the Fire Department from approving contracts, purchases, task order amendments, or task orders pursuant to their emergency powers during a declared emergency.

300.5.3 EFFECTIVE DATE

This Resolution will take effect immediately upon adoption.

Encumbered Funds Carryover

Effective Date:	10/20/25
Revised Date:	
Issuing Authority: City Commission	

301.1 PURPOSE AND SCOPE

In some instances, approved purchases are encumbered within a given fiscal year, but due to the timing of the transaction, may require the expenditure to occur in either a prior or subsequent year. To address these situations, the following guidelines will be followed.

301.1.1 DEFINITIONS

Encumbrance - A commitment to pay for a good or service in the future. Encumbrances are commitments made before the end of the fiscal year. Encumbrances are not considered actual expenses and are not included in actual-expense balances. Examples of encumbrances are contract agreements, purchase orders, travel authorizations, salary commitments, utility payments (prepayments), and tax payments (prepayments).

General Fund – The General Fund is the general operating fund of the City. All financial resources of the general government that are not required to be reported in another fund are accounted for in the General Fund.

Improvement Funds – These funds account for financial resources, such as Capital Improvement Sales Tax, Economic Development Sales Tax, Public Safety Sales Tax, and Operating and Capital grants, including special assessments, to be used for additional operational and capital expenditures, including but not limited to, the acquisition or construction of major capital facilities and public service, and operational and capital equipment (public safety and information technology).

Utility Funds – These funds account for the Business-Type Activities of the City and include, but are not limited to:

- (a) **Water & Sewer Fund** – This fund accounts for the provision of water utility service and the sanitary sewer service to the residents of the City.
- (b) **Garbage Fund** – This fund accounts for the provision of garbage pickup and landfill services to the residents of the City.
- (c) **Forestry** – This fund accounts for the planting and maintenance of public plants and trees found on City right-of-way areas.
- (d) **Vector Control** – This fund is dedicated to financing programs aimed at controlling and reducing the population of disease-carrying organisms, known as "vectors," such as mosquitoes, ticks, and fleas.

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Encumbered Funds Carryover

Other Agency Funds -

- (a) Airport Authority Fund – This fund accounts for the construction, maintenance, and improvement of airports and related facilities.
- (b) Library Fund – This fund provides the financial support to the City's libraries for their operations, services, and resources.

301.2 POLICY

As the purchasing process extends outside any given budgeting cycle, the City shall follow the applicable guidelines for each source of funds established in this policy.

301.3 GENERAL FUND

Funds will be encumbered and carried over from the approval year to ensure payment of the approved item(s) in the subsequent year, with an administrative budget amendment prepared and signed by the City Administrator.

If the approval and payment of an approved, budgeted, purchase spans more than two fiscal years, and less than 80% of the encumbered funds have been spent, the City Commission must reauthorize the purchase.

301.4 IMPROVEMENT AND UTILITY FUNDS

Funds will be encumbered and carried over from the approval year to ensure payment of the approved item(s) in the subsequent year, with an administrative budget amendment prepared and signed by the City Administrator.

If the approval and payment of an approved, budgeted, purchase spans more than two fiscal years, and less than 80% of the encumbered funds have been spent, the City Commission must reauthorize the purchase.

For Construction in Progress (CIP) funds, please see the CIP policy.

301.5 OTHER AGENCY FUNDS

For the Airport Authority, the Airport Finance Manager will submit a budget amendment to the Agency's Board or Committee and provide a ratified budget amendment to the City Commission.

For the Library, the Library Director will submit a budget amendment to the Agency's Board or Committee and provide a ratified budget amendment to the City Commission.

301.6 EARLY PROCUREMENT OR SERVICE DELIVERY

In some instances, goods or services budgeted for a future year become available earlier than anticipated or at an early discount. In accordance with GASB Statement No. 6, such expenditures must be recognized in the fiscal year in which the goods are received, or the work is performed, regardless of when payment is made.

Expenditures will be recognized in the fiscal year in which the goods are received, or the work is performed, with an administrative budget amendment prepared and signed by the City Administrator. The expenditure must be within the City Administrator's spending authority as

Encumbered Funds Carryover

established in the City's spending policy. This provision applies to the General Fund, Improvement Funds, and Utility Funds. Other Agency funds will need to obtain approval from their Agency's Board or Committee.

301.7 GENERAL PROVISIONS FOR ALL FUNDS

If a purchase is approved for a certain fiscal year, but no encumbrance is in place by the end of that year, the purchase must be reauthorized by the City Commission if it is still needed.

Chapter 4 - PERSONNEL

Standards of Conduct for All Employees

Effective Date:	01/01/2025
Revised Date:	10/06/2025
Issuing Authority: City Commission	

400.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this city or an employee's supervisor.

400.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

400.2 POLICY

The continued employment or appointment of every employee of the City shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

400.3 GENERAL STANDARDS

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

400.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for

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Standards of Conduct for All Employees

violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the city's ability to effectively serve the public.

400.4.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in city manuals.
- (b) Disobedience of any lawful direction or order.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

400.4.2 ETHICS

- (a) Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the City.
- (d) Acceptance of fees, gifts, or money contrary to the rules of this city and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Any other failure to abide by the standards of ethical conduct.

400.4.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

400.4.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- (b) Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

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400.4.5 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.

400.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this city for personal or financial gain or without the express authorization of the City Administrator or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (d) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

400.4.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during work hours or assignments.
- (e) Failure to notify the City within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

400.4.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

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- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any city record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any city-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this city or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this city or subverts the good order, efficiency, and discipline of this city or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on city premises.
 - 2. At any work site, during work hours, or while using any city equipment or system.
- (g) Improper political activity, including:
 - 1. Unauthorized attendance during work hours at official legislative or political sessions.
 - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on city property except as expressly authorized by city policy, an employment agreement or contract, or the City Administrator or the authorized designee.
- (h) Engaging in political activities during work hours except as expressly authorized by city policy, any employment agreement or contract, or the City Administrator or the authorized designee.
- (i) Any act that brings discredit to this city.

400.4.9 CONDUCT

- (a) Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.
- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the City.

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- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the City.
- (g) Unauthorized possession of, loss of, or damage to city property or the property of others or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of city property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of city property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the City Administrator or the authorized designee of such action.
- (k) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this city, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the City or its employees.

400.4.10 SAFETY

- (a) Failure to observe or violating city safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- (d) Unsafe firearm or other weapon handling, including loading or unloading firearms in an unsafe manner.
- (e) Carrying, while on the premises of the work site, any firearm or other weapon that is not authorized by law or the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

400.4.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.

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- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.

Volunteers

402.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

402.2 POLICY

It is the policy of the City that volunteers be selected, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

402.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

- (a) The ability to meet any necessary age requirements.
- (b) Possession of a valid driver's license, if the position requires vehicle operation.
- (c) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (d) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.
- (e) The ability to meet physical requirements reasonably appropriate to the assignment.
- (f) A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

The City Administrator may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

402.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

402.4 RECRUITMENT AND SELECTION

The City shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this city.

Volunteers

402.4.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with city policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the City in serving the public.

Requests for volunteers should be submitted in writing by interested parties to the appropriate Department Head or authorized designee. The request must include a description of the volunteers anticipated duties and a requested time frame. The Department Head or an authorized designee may withhold acceptance of any volunteer until such time as the requester is prepared to make effective use of that volunteer.

402.4.2 SELECTION

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the Department Head or an authorized designee as appropriate.
- (c) Successfully complete an appropriate-level background investigation or screening.

402.4.3 APPOINTMENT

Service as a volunteer with the City shall begin with an official notice of acceptance or appointment by an authorized representative of the City.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

Volunteers serve at the discretion of the City Administrator or an authorized designee.

402.5 IDENTIFICATION AND DRESS CODE

As representatives of the City, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. Identification symbols worn by volunteers shall be different and distinct from those worn by city employees through the inclusion of "Volunteer" on any identifying materials.

Certain volunteers may be issued city identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard city identification cards, except that "Volunteer" will be indicated on the cards.

Volunteers

402.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular city personnel, when authorized, may also serve as volunteers. However, this city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the volunteer coordinator should consult with their Senior Director or Chief prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

402.7 DEPARTMENT HEAD RESPONSIBILITIES

The responsibilities of the Department Head or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers.
- (b) Conducting volunteer meetings, as appropriate.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining a record of volunteer schedules.
- (f) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (g) Maintaining volunteer orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers.

An evaluation of the overall use of volunteers within a department may be conducted as requested by the Chief Administrator or an authorized designee.

402.8 RESPONSIBILITIES

Volunteers assist city personnel as needed. Volunteers may be assigned to a department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

402.8.1 COMPLIANCE

Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures will be made available to each volunteer at the start of their service. The volunteer is responsible for familiarizing themselves with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

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402.9 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment as determined by the Department Head or an authorized designee.

Volunteers will be provided with an orientation program to acquaint them with the policies of the City and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the Department Head.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the City. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the City.

402.10 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

402.10.1 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

402.11 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall

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be given only to persons who have a need and a right to know as determined by city policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being accepted for an assignment with the City. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the City, or maintain that they represent the City in such matters without permission from the City Auditor or an authorized designee.

402.11.1 RADIO USAGE

Any volunteer who operates city radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

402.12 EQUIPMENT

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

402.12.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer should receive training in safe driving. The specific training and course of study shall be determined by the City and supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- (a) A driving safety briefing and, if necessary to the volunteer position, a city-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The Department Head should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

Volunteers are not authorized to operate City vehicles.

402.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

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Volunteers are considered at-will and may be removed from service with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the City Administrator or the authorized designee.

Volunteers may resign from volunteer service at any time.

Conflict of Interest

403.1 PURPOSE AND SCOPE

The purpose of this policy is to assist employees in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the City.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - A situation when an employee serves as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the employee's annual interest, compensation, investment, or obligation is greater than \$250. This includes business relationships as defined by state law.

Conflict of interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by an employee's personal or business relationship. This includes conflicts defined and prohibited by state law.

403.2 POLICY

Employees of the City are expected to conduct themselves with the utmost professional integrity and objectivity. Employees will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of city employees and the public, and thereby maintain the trust of the public and city employees.

403.3 RESTRICTED DUTIES AND ASSIGNMENTS

The City prohibits the following types of personal or business relationships among employees:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor should make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing such employees in supervisor/subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

Conflict of Interest

- (c) Whenever possible, trainers should not be assigned to train relatives. Trainers are prohibited from entering or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

403.3.1 EMPLOYEE RESPONSIBILITY

Employees shall follow all laws regarding actual or perceived conflicts of interest and should avoid situations that create the appearance of an actual or perceived conflict of interest. Employees should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved employee).

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or to provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, that employee shall promptly notify an uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Director of Human Resources to have another uninvolved employee either relieve the involved employee or, minimally, remain present to witness the action.

403.3.2 SUPERVISOR RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor should take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors should also promptly notify the Director of Human Resources of such actual or potential violations.

Business Gifts and Gratuities

Effective Date:	10/20/25
Revised Date:	
Issuing Authority: City Commission	

404.1 PURPOSE AND SCOPE

The City of West Fargo and its officials and employees must avoid any interest, influence, or relationship that may conflict or appears to conflict with the interests of the City or that might affect one's working judgment.

The acceptance of gifts may distort the discharge of official duties by suggesting bias of officials or employees in favor of the interests of the givers of such gifts or may be perceived by the public as having a prejudicial effect on the performance of official duties regardless of whether the discharge of duties is actually affected. Accordingly, this Business Gifts and Gratuities Policy defines if and when gifts may be acceptable from third parties.

This Policy applies to all officials and all employees of the City. All questions or requests for additional information regarding this Policy should be directed to the City's Director of HR.

404.1.1 DEFINITIONS

Contribution - means as defined by N.D.C.C. § 16.1-08.1-01(4), as may be amended from time to time.

Gift - Cash or cash equivalents, real or personal property, tokens, meals and refreshments, a service, a loan, a forbearance or forgiveness of indebtedness, gratuity, favor, entertainment, a promise of future employment, or other benefit that is given and received without the giver receiving consideration of equal or greater value in return.

Nominal Value - the cost, price, or worth of the gift is less than fifteen dollars.

Ordinary Social Influence - The type of gift which is so common among people in the community that no reasonable person would believe the donor intended to or would obtain any advantage or the recipient would believe the donor intended to obtain any advantage.

Outside Business Associate - means both the person and the official or employee own, with respect to the same business entity, 10% or more of the voting stock or shares of the business entity, or 10% or more of the fair market value of the business entity.

Sponsor - The person or persons primarily responsible for organizing an event and does not include a person who simply contributes money or buys tickets to an event.

Trinkets - Items of nominal value (e.g. pins, pens, cups, mugs, calendars)

Business Gifts and Gratuities

404.2 POLICY

An official or employee shall not solicit, accept, or agree to accept any gift for themselves or his or their business that reasonably tends to influence or reward official conduct, or could be perceived as tending to influence or reward official conduct; or the official or employee knows or should know is being offered with the intent to influence or reward official conduct.

404.3 SPECIAL APPLICATIONS

Unless a gift is prohibited because the official or employee knows or should know it was being offered with the intent to influence or reward official conduct, this prohibition does not include

- (a) A gift to an official or employee because of the recipient's membership in a group, a majority of whose members are not officials or employees, and an equivalent gift is given or offered to the other members of the group.
- (b) Reimbursement of reasonable expenses for travel authorized in accordance with City policies.
- (c) A plaque or similar memento for meritorious services or professional achievement.
- (d) Ordinary social hospitality.
- (e) Trinkets.
- (f) A loan from a lending institution made in its regular course of business on the same terms generally available to the public.
- (g) A scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants.
- (h) Admission to an event in which the official or employee is participating in connection with official duties.
- (i) Any benefit solicited by the official or employee on behalf of a civil or charitable organization, which is promptly delivered to the civil or charitable organization.
- (j) Food or a beverage given at a reception meal or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.
- (k) Ceremonial and protocol gifts presented by a government or organization, accepted on behalf of the City for the use of the City, and properly reported to the City; or
- (l) Admission to a charity event provided by the sponsor of the event if the offer is unsolicited by the official or employee.

The general prohibition of gifts does not apply to a lawful contribution.

An official or employee shall take reasonable steps to inform closely related persons and outside business associates not to solicit, accept, or agree to accept any gift that reasonably tends to influence or reward the official's or employee's official conduct, or could be perceived as tending to influence or reward the official's or employee's official conduct.

Business Gifts and Gratuities

No official or employee shall accept any gift that the official or employee knows or should know is being offered with the intent to influence or reward the official's or employee's discharge of official duties.

404.4 POLICY VIOLATIONS AND REMEDIES

All officials and employees have a duty to report any violations or suspected violations of this Policy to the City's Director of HR.

- (a) If an official or employee knows that a prohibited gift has been received the official or employee shall promptly file written notice of the gift with the HR department, disclosing the donor, the value of the gift, the recipient, and the recipient's relationship to the official or employee filing the report.
- (b) If a prohibited gift is received by an official, an employee, a closely related person, or an outside business associate, the gift will not be considered a violation of this Policy if:
 - 1. The gift is not used and is returned within five (5) calendar days after receipt of the gift or five (5) calendar days after the official or employee learns the gift is prohibited; or
 - 2. The official or employee pays market value for the gift within five (5) calendar days after receipt of the gift or five (5) calendar days after learning that the gift is prohibited.

The official or employee shall promptly file a written report with the City's Director of HR even if a prohibited gift is returned or paid for under this section.

Subpoenas and Court Appearances

Effective Date:	1/1/2025
Revised Date:	10/20/25
Issuing Authority: City Commission	

405.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court. It will allow the City to cover any related work absences and keep the City Administrator informed about relevant legal matters.

405.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

405.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the City or any of its employees may do so.

405.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the City or the prosecutor shall notify their immediate supervisors without delay regarding:

- (a) Any civil case where the City or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the City.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the City.

The supervisor will then notify the City Administrator and the appropriate prosecuting attorney if applicable. The City Administrator should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

Subpoenas and Court Appearances

405.3.2 WORK-RELATED SUBPOENAS

Hours spent by an employee appearing in their official capacity under subpoena, will be considered regular hours, unless an exception applies See Extra Duty and Special Assignment Pay Policy. Employee's will not be required to use their leave while acting in this official capacity.

The City should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

405.3.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the City will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

Guidelines related to compensation for court appearances and summons for jury duty can be located in the [accompanying procedure](#).

405.4 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

405.5 COURTROOM PROTOCOL

When appearing in court, employees shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress and prepared to proceed immediately with the case for which they are scheduled to appear.
- (c) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

405.5.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court.

405.5.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, that employee should notify the City Auditor promptly after receiving the subpoena that the specified records are needed for court.

Speech, Expression, and Social Networking

Effective Date:	10/20/25
Revised Date:	
Issuing Authority: City Commission	

406.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

406.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

406.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

Speech, Expression, and Social Networking

- (a) Speech or expression that is disruptive to the work environment or defies the direction from a supervisor.
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (c) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:
 - 1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
 - 2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the City Administrator or the authorized designee.
- (e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, or to act as an unauthorized source of information.
- (f) The creation of any social networking or other website or web page using city logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the City.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

406.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the Communications Department:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.

Speech, Expression, and Social Networking

- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during identified non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

406.4 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

406.5 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Communications Department should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the City.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the City.

Speech, Expression, and Social Networking

406.6 TRAINING

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

Outside Employment

407.1 PURPOSE AND SCOPE

This policy provides guidelines for city employees who seek to engage in authorized outside employment.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

407.2 POLICY

City employees shall submit written notice to their department head that they are engaged in outside employment as soon as practicable after accepting an outside employment position. . Approval of outside employment shall be at the discretion of the City Administrator or the authorized designee in accordance with the provisions of this policy. Failure to provide notification of outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

407.3 OUTSIDE EMPLOYMENT

407.3.1 REQUEST AND APPROVAL

An employee must submit written notice to their immediate supervisor when they are engaged in outside employment.

Department heads shall ensure that written notices and documentation of outside employment are forwarded to the HR Department for retention in the employee file.

407.3.2 DENIAL

Any employee whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

407.3.3 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written notification from the Department Head of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.

Outside Employment

1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
- (b) When an employee's conduct or outside employment conflicts with city policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the City.

407.3.4 APPEAL

If an employee's request for outside employment is denied or if previous approval is revoked or suspended, the employee may file a written notice of appeal with the City Administrator or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the employee has completed the appeal process.

If the employee's appeal is denied, the employee may file a grievance as provided in the Grievances Policy.

407.4 REQUIREMENTS

407.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The City reserves the right to deny any request for outside employment that involves:

- (a) The use of city time, facilities, equipment, or supplies. Subject to the [accompanying procedure](#), certain volunteer activities may occur on city time.
- (b) The use of any city badge, uniform, or influence for private gain or advantage.
- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.
- (e) Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the City.

407.4.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

407.4.3 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees who terminate their outside employment shall promptly submit written notification of such termination to their immediate supervisor. Any subsequent request for renewal or continued

Outside Employment

outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Employees should also promptly submit in writing to their immediate supervisor any material changes in outside employment, including any change in the number of hours, type of work, or the demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

407.4.4 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the City Administrator or the authorized designee regarding whether such employment should continue.

In the event that the City Administrator or the authorized designee determines that the outside employment should be discontinued, or if the employee fails to promptly notify an immediate supervisor of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written request may be submitted to the City Administrator or the authorized designee to approve the outside employment request.

Personal Appearance Standards

408.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of city employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

408.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the city in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to city employees.

408.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

408.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each division of the city.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

408.4 APPEARANCE

408.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

408.4.2 TATTOOS

At no time while an employee is representing the in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit

Personal Appearance Standards

or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

408.4.3 BODY ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while representing the City in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth.

408.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while representing the City in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.

408.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the City in any official capacity.

408.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, scented lotions, and other items used for body fragrance shall not be used to the degree that it interferes with operations.

408.5 EXEMPTIONS

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the City Administrator or the authorized designee. The Director of Human Resources should be advised any time a request for accommodation is denied.

Dress Code

409.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for city employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

409.2 POLICY

It is the policy of the City that uniformed employees are readily identifiable to the public through the proper use and wearing of city uniforms and that the appearance of all employees is suitable and appropriate for their position.

409.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the the city based upon the employee's assigned job duties.
- (d) No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours, unless part of an employee engagement event, or when representing the City in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 - 2. Non-city issued t-shirt alone or exposed undergarments
 - 3. Swimsuits, tank tops, tube tops, or halter tops
 - 4. Sweatshirts, sweatpants, or similar exercise clothing
 - 5. Spandex-type pants or transparent clothing
 - 6. Shorts
 - 7. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

409.4 UNIFORMS

The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement, if applicable. The City may provide other employees with uniforms at the direction of the City Administrator.

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Dress Code

The City Administrator or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental the city policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable city specifications.
- (c) Uniforms are only to be worn during work hours, at official city functions or events, while in transit to or from work, or when authorized by the City Administrator or the authorized designee.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.
- (e) Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department of employees who wear a city-issued uniform.

All uniforms and equipment issued to city employees shall be returned to the City upon termination or resignation.

409.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

City employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the City Administrator or the authorized designee.

Discriminatory Harassment

410.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

410.2 POLICY

The City is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The City will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

410.3 DEFINITIONS

Definitions related to this policy include:

410.3.1 DISCRIMINATION

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

410.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

Discriminatory Harassment

participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

410.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

410.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or the city rules or regulations, or any other appropriate work-related communication between supervisor and employee.

410.4 RESPONSIBILITIES

This policy applies to all city employees, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or Department Head. Complaints may also be filed with the Director of Human Resources or other HR personnel.

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Discriminatory Harassment

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

410.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the Human Resources Department for further information, direction, or clarification.

410.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notifying the City Administrator in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

410.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the City and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

410.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated.

Discriminatory Harassment

410.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

410.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint directly with the Director of Human Resources.

410.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the City. Employees who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

410.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented in a manner designated by the Director of Human Resources. The outcome of all reports shall be:

- (a) Approved by the Director of Human Resources.
- (b) Maintained in accordance with the established records retention schedule.

410.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

Discriminatory Harassment

410.7 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the City.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Workplace Violence

411.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived by a reasonable person as threatening, hostile, and/or violent. Protecting the safety of our employees and visitors is the most important objective of the City of West Fargo.

411.2 POLICY

It is the policy of the City to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the City is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

411.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting City business or on City property.

No employee engaged in City business on on City property shall carry or possess weapons or explosives unless either:

- (a) Permitted by City policy, or
- (b) As otherwise authorized by state law.

411.4 REPORTING AND INVESTIGATING

411.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

411.4.2 SUPERVISOR AND ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the City Administrator or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

Workplace Violence

411.4.3 INVESTIGATION

The Human Resources Department or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

City employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

411.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors or human resources.

Supervisors receiving any such report shall contact the City Administrator or the Human Resources Department as soon as practicable so that any appropriate safety measures or plans may be developed.

411.5 RETALIATION PROHIBITED

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

411.6 RESTRAINING ORDERS

Employees who obtain a restraining order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining order to their immediate supervisor or the Human Resources Department. The City needs this information in order to provide a safe workplace.

411.7 FOLLOW-UP ACTION

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law before the City takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

Workplace Violence

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

411.8 LEGAL ACTION

The City Administrator or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

411.9 CORRECTIVE ACTIONS

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

411.10 WORKPLACE VIOLENCE PREVENTION

All city employees are responsible for assisting in the prevention of violence in the workplace.

The City will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the City Administrator or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

Drug-and Alcohol- Free Workplace

412.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

412.2 POLICY

It is the policy of the City of West Fargo to maintain a drug- and alcohol-free work environment that is safe and productive for employees and residents of the City..

412.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

412.3.1 USE OF MEDICATIONS

Employees should not use any medications that will impair their ability to safely and completely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work.

412.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

412.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on city premises or on city time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

Drug-and Alcohol- Free Workplace

412.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers, or the employee assistance program (The Village EAP) for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

412.6 WORK RESTRICTIONS

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

412.7 SCREENING TESTS

The City may require an employee to submit to a screening under any of the following circumstances:

- (a) For pre-employment, as required by the City of West Fargo for all prospective employees who receive a conditional offer of employment.
- (b) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- (c) The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.
- (e) For random testing as authorized or required by DOT and/or federal/state law.

412.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to test an employee, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

Drug-and Alcohol- Free Workplace

412.7.2 DISCIPLINE

Compliance with this policy is a condition of employment. An employee may be subject to disciplinary action if the employee

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

412.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

412.9 CONFIDENTIALITY

The City recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

Smoking and Tobacco Use

413.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in city facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

413.2 POLICY

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the City and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, and vehicles, and as is further outlined in this policy.

413.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by employees are prohibited during the workday except on designated breaks .

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product inside city facilities and vehicles.

No employee shall smoke or vape within 20 feet of any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

Smoking materials shall be disposed of in the provided receptacle.

413.4 POSTING

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

Anti-Retaliation

414.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

414.2 POLICY

The City has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

414.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

Anti-Retaliation

414.4 COMPLAINTS OF RETALIATION

Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the City Administrator or the authorized designee.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

414.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Director of Human Resources or the authorized designee, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

414.6 COMPLAINT PROCESS

The City Administrator should communicate to all supervisors the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

Anti-Retaliation

- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

414.7 WHISTLE-BLOWING

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the City Administrator or the authorized designee for investigation.

414.8 RECORDS RETENTION AND RELEASE

The City Auditor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

414.9 TRAINING

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

Grievances

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the city grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

415.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law.

415.2 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

415.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after a reasonable amount of time, generally seven business days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of human resources.
- (c) If a successful resolution is not found with the head of human resources, the employee may request a meeting with the City Administrator.

Grievances

- (d) If the employee and the City Administrator are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the City Administrator and provide a copy to the employee's immediate supervisor.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance.
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules, or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The City Administrator or authorized designee should review the grievance and respond to the employee within 14 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the City Administrator or the authorized designee is considered final.

415.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Administrator or the authorized designee for inclusion in a secure file for all written grievances.

415.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the Chief Administrator in the memorandum.

415.6 GRIEVANCE AUDITS

The City Administrator should designate an employee to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a confidential memorandum to the City Administrator without including any identifying information about any individual grievance.

Performance Evaluations

Effective Date:	01/01/2025
Revised Date:	10/06/2025
Issuing Authority: City Commission	

416.1 PURPOSE AND SCOPE

This policy provides guidelines for the City performance evaluation system.

416.2 POLICY

The City shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The City evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

416.3 TYPES OF EVALUATIONS

The City shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor, minimally, on an annual basis.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Probationary - At the request of the department head, probationary reviews may be set-up for all new hires within the department. This is to establish one or more scheduled meetings to periodically review the new employee's performance thus far with the City.

Special - An evaluation that may be completed at any time the supervisor, City Administrator, or an authorized designee determines an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

416.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

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Outstanding 5- Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary. Typically includes completion of duties outside of an employee's regular job functions.

Above Expectations 4 - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Meeting Expectations 3 - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Below Expectations 2 - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Needs Immediate Improvement 1- Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as above or below Meeting Expectations shall be substantiated with supervisor comments.

416.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an overall rating below 2.8 or a rating of below 2 in any one category will be subject to a Performance Improvement Plan (PIP). The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

416.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period, or during the end of year review, to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and shall be based upon City and departmental competencies, as well as documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted using the survey options built into the evaluation system.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to acknowledge good work and to correct performance issues as they arise. At a minimum, quarterly discussions with the employee during the course of the evaluation period are required. Supervisors should document

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all discussions in the Human Resources Management (HRM) system, using the check-in feature, so they can be reviewed as needed.

Non-probationary employees demonstrating substandard performance should be notified in writing as soon as possible in order to have an opportunity to correct the issues.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

416.5 EVALUATION FREQUENCY

Supervisors shall evaluate all employees they supervise at least once every year on the prescribed cycle.

Those employees who are required to successfully complete a probationary period should have their performance reviewed monthly.

Employees who are subject to a PIP shall be evaluated regularly within the terms of the PIP.

416.6 EVALUATION INTERVIEW

When the supervisor has completed an evaluation, a private discussion of the evaluation will be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may rate themselves and write comments in the identified section(s) of the self-evaluation. The supervisor and employee will sign and date the evaluation in the HRM system. If the overall score of an employee is below 3.0, the supervisor's supervisor will review and give approval of the evaluation.

416.7 APPEAL

An employee who disagrees with an evaluation may provide a formal written response that will become a permanent part of the evaluation record, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days of the evaluation discussion to the Director of Human Resources or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

416.8 CHAIN OF REVIEW

The Director of Human Resources or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

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The Director of Human Resources or the authorized designee should evaluate the supervisor on the quality of ratings given.

The City Administrator or the designee should be substituted in any instances involving HR personnel.

416.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be available to the employee through the HRM system.

Sick Leave

Effective Date:	1/1/2025
Revised Date:	11/17/2025
Issuing Authority: City Commission	

417.1 PURPOSE AND SCOPE

This policy provides guidance for the accrual, use, and administration of sick leave for City of West Fargo employees. Additional terms for the use of sick leave for eligible employees may be covered in another applicable City policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave and Military Leave policies.

417.2 POLICY

It is the policy of the City of West Fargo to provide full-time, regular employees with paid sick leave benefits in order to care for themselves or family members during times of illness or injury.

417.3 ACCRUAL OF SICK LEAVE

Sick Leave accrual begins on the first day of employment and is added to the employee's bank of hours at the end of each pay period. Sick leave is calculated based on the number of hours an employee is paid in the pay period. The rate of accumulation is based on the employee's length of service as follows:

Completed Years of Service	Accrual Rate per Hour Paid	Maximum Accrual Rate per Pay Period	Accrual Rate per Year
0-4	.0469	3.75 or (3 hours and 45 minutes)	97.5 hours
4 years and 1 day+	.0719	5.75 or (5 hours and 45 minutes)	149.5 hours

Under special circumstances, the Department Head may submit a request for a leave hours bank or service years to be granted as part of an offer package to a prospective employee. This request must be submitted by the Department Head to their Senior Director and the Human Resources Department and approved before being offered to the potential employee.

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The maximum number of sick leave hours that can be carried over from one calendar year to the next is nine-hundred and sixty (960). This will be calculated based on the employee's sick leave balance as of December 31st of each year.

Employees whose hire date precedes January 1, 2017, shall receive an annual payout of fifty percent (50%) of accrued sick leave hours exceeding 960, provided they did not previously opt out of the annual payout program. The amount of payment will be calculated using the rate of pay as of December 15th of the previous year. This payment will be made by an additional direct deposit between the first and second payroll in the following year.

417.4 USE OF SICK LEAVE

Sick leave may be used for injury, illness, and medical appointments for the employee or members of the employee's immediate family. The term "immediate family" for sick leave purposes shall be limited to any FMLA-qualifying family member, or other individuals who reside with the employee for the purpose of the employee providing care to the individual.

Exempt employees who work four (4) or more hours in a workday will be considered to have worked the full day and will not be required to use accrued Sick Leave for that day. If an exempt employee works fewer than four (4) hours in a workday due to illness or injury, the remaining hours of that day must be charged to accrued Sick Leave.

Sick leave is not interchangeable with vacation leave. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy). Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Qualified appointments should be scheduled during an employee's non-working hours, when it is reasonable to do so, to prevent the disruption of work.

417.4.1 NOTIFICATION

Employees must notify their immediate supervisor as soon as possible when unable to report to work, and at least one (1) hour prior to their scheduled start time. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than ten (10) days' notice of impending absence. Qualified appointments should be scheduled during an employee's non-working hours, when it is reasonable to do so, to prevent the disruption of work.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting any required documentation describing the type of time off used and the specific amount of time taken.

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417.5 EXTENDED ABSENCE

Employees absent from work for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or confirming the ability to return to work. Employees on an extended absence shall contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days. This documentation will be limited to the attendance and/or required time off stated by a medical professional, on appropriate letterhead. At no time may a supervisor ask an employee for documentation related to a diagnosis.

417.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the employee's performance or ability to complete assigned tasks.
 - 2. Negatively affected City or department operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

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417.7 SICK LEAVE IN CONJUNCTION WITH OTHER TYPES OF ABSENCES

Holiday During Sick Leave	If a regularly scheduled holiday falls during a period of days in which an employee is using sick leave, the employee will be paid holiday pay providing they have either hours worked or paid leave during the scheduled shift preceding the holiday.
Illness/Injury During Vacation Leave	If an employee becomes injured or ill during a planned Vacation leave, they will not be permitted to change the leave type. If the illness or injury continues beyond the planned Vacation leave, the employee may use sick leave starting the day after the Vacation leave was scheduled to end.
Military Leave	Employees on Military Leave cannot use sick leave hours to prolong payment beyond what is granted to them by the Military Leave Policy.
Bereavement Leave During Sick Leave	If an employee suffers the loss of a family member or relative during a period of sick leave use and funeral leave is appropriate, the time off for the funeral will not be considered sick leave.
Family and Medical Leave (FMLA):	Sick leave may be designated for all or portions of Family and Medical Leave (FMLA). Refer to Family and Medical Leave Policy.
Injury Leave	An employee who files a claim with Workforce Safety and Insurance (WSI) and is unable to work due to the injury/illness for which they have filed a claim will be placed on a leave of absence and paid from their accrued sick leave. Once sick leave is exhausted, the employee will then be paid from Vacation leave. If the claim is accepted by WSI, sick leave used directly related to the claim will be credited back to the employee. An employee may elect to use their accrued sick time to make up the difference between the amount paid by WSI and their normal pay. Employees on an injury leave of greater than 30 continuous days will stop accruing sick leave after the 30th day until the employee returns to work. Leave accrual lost during this time is not reinstated.

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417.8 END OF EMPLOYMENT

Upon separation of employment, employees with ten (10) or more years of continuous service shall be paid fifty percent (50%) of accumulated sick leave, not to exceed 480 hours, at the time of separation. Employees who have been continuously employed with the City since before January 1, 2002, will be paid 50% of their total accumulated sick leave balance at the time of separation.

A deceased employee's estate will be entitled to all earned, unused sick leave. The final paycheck will be deposited in the employee's existing account through direct deposit unless a written notification has been received authorizing payment to a designated beneficiary or the estate.

An employee who returns to work for the City within one year may have their sick leave balance, minus any sick leave paid out, reinstated at the time of re-hire and be given credit for prior service when determining the accrual level for sick leave.

Family and Medical Leave

Effective Date:	1/1/2025
Revised Date:	10/20/2025
Issuing Authority:	City Commission

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the Director of Human Resources or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Child - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

FMLA - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

Qualified health care professional - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some

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purposes; any health care provider from whom the city benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

Spouse - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

418.2 POLICY

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

418.3 ELIGIBLE EMPLOYEES

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours in the 12 months preceding the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

418.4 TYPE AND DURATION OF LEAVE

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured forward from the first date FMLA leave is taken and continuously with each additional leave taken.

418.4.1 SERIOUS HEALTH CONDITIONS

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).

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- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

418.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

418.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

418.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

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Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

418.4.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Director of Human Resources, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

418.4.6 PREGNANCY DISABILITY LEAVE

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The Director of Human Resources shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work, unless there is a legitimate reason to question the validity of the assessment.

418.5 EMPLOYMENT BENEFITS WHILE ON LEAVE

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the

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employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR 825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

418.6 SUBSTITUTION OF PAID ACCRUED LEAVES

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

418.7 USE OF FMLA LEAVE

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

418.8 PROCEDURES

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the supervisor should forward the request and any medical certifications to the Director of Human Resources or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310). If not accompanying the initial request for FMLA, employees are expected to provide

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medical certification within 15 days of the date of the FMLA notice of eligibility. If an employee fails to provide a medical certification within a reasonable time, the City has the right to deny the leave.

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Employees returning from a medical leave for the employee's own serious health condition may be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

418.9 REINSTATEMENT FOLLOWING LEAVE

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the City Administrator or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the Director of Human Resources or the authorized designee in consultation with legal counsel, will determine whether non-FMLA leave should apply.

418.10 RESPONSIBILITY

The responsibilities of the Director of Human Resources or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.

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1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
 - (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The Director of Human Resources or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

418.10.1 STATE FAMILY AND MEDICAL LEAVE CONSIDERATIONS

The City will comply with the requirements of any applicable state-specific laws providing for family and medical leave. The Director of Human Resources or the authorized designee is also responsible for establishing a process for implementing applicable family and medical leave requirements, including consideration of whether an employee is eligible for paid family or medical leave under state law, if applicable.

418.11 RECORDS

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

418.12 NOTICE TO EMPLOYEES

The Director of Human Resources or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

Temporary Modified-Duty Assignments

419.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

419.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

419.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment. Modified duty is not a permanent position. An employee unable to return to assigned duty upon expiration of the modified duty assignment may be assigned to an available position if qualified, terminated, or be involuntarily retired.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The City Administrator or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a city vehicle, or engaging in outside employment.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

419.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, including documentation from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the City Administrator or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

419.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

419.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Human Resources Department that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

419.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

- (a) Periodically apprising the Human Resources Department of the status and performance of employees assigned to temporary modified duty.

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- (b) Notifying the Human Resources Department and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

419.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

419.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the City should make reasonable efforts to provide an accommodation for the employee in accordance with federal law and any applicable state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4).

419.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

419.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

419.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Lactation Periods

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating employees.

420.2 POLICY

It is the policy of the City to provide, in compliance with federal law, reasonable accommodations for lactating employees. This includes break time and appropriate facilities to accommodate any employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

420.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time may be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

420.4 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Lactation Periods

420.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

Personnel Investigations

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of employees of the City. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of employment, by a supervisor or any other employee. For the purposes of personnel investigations, the City Administrator may appoint a designee as appropriate.

421.2 POLICY

The City takes seriously all complaints regarding the service provided by the City and the conduct of its employees.

The City will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, and municipal and/or county rules.

It is also the policy of the City to ensure that the community can report misconduct without concern for reprisal or retaliation.

421.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of city policy or federal, state, or local law or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate city policy or federal, state, or local law, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or questions regarding specific interactions with the public.

421.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified into one of the following categories:

Informal - A matter in which the Department Head, Senior Director, or the City Administrator is satisfied that appropriate action has been taken by a supervisor of the employee.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by the Human Resources Department or a third party investigator, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Senior Director or the Human Resources Department, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Investigations

421.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any city employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

421.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

421.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of at least one city facility and be accessible through the city website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

421.4.2 ACCEPTANCE

All complaints will be courteously accepted by any city employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a manager or Department Head. If they are not immediately available to take an oral complaint, the receiving employee shall obtain contact information sufficient for the complainant to be contacted. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

421.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Each department should establish procedures to ensure that all complaints and inquiries are documented (either electronically or on a written log) to record and track complaints. Any complaints in which an employee is specifically named must be documented and sent to human resources to be included in the personnel file. The documentation shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department Head should audit the log and send an audit report to the appropriate Senior Director or Chief.

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421.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

421.6.1 SUPERVISOR RESPONSIBILITIES

In general, Department Heads will review complaints and assign the administrative investigation of those complaints to supervisory staff as appropriate. If the supervisor is a complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct they should not be assigned the administrative investigation. The Department Head should consult with the Human Resources Department as appropriate, to determine whether a claim should be investigated by another supervisor, the Human Resources Department, or by an outside investigator.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of the Department Head include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the accused employee's Department Head, who will take appropriate action and/or consult with human resources about initiating an investigation, if necessary..
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Department Head or the City Administrator, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within three business day of the City receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on the complaint form and forward the form to the Department Head and the Human Resources Department.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Department Head and the City Administrator are notified as soon as practicable.
- (e) Promptly contacting the Department Head and the Human Resources Department for direction regarding the supervisor's role in addressing a complaint that relates to harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Department Head, who will determine whether it is appropriate to contact the complainant or consult with human resources for further clarification.
- (g) Investigating a complaint as follows:

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1. Making reasonable efforts to obtain names, addresses, email addresses, and telephone numbers of witnesses.
2. When appropriate, ensuring immediate medical attention is provided.
- (h) Ensuring that the procedural rights of the accused employee are followed.
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

421.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following procedures should be followed with regard to any accused employee subject to investigation by the city:

- (a) Interviews of an accused employee should be conducted during reasonable hours and preferably when the employee is working. If the employee is off work, they shall be compensated as appropriate.
- (b) Unless waived by the employee, interviews of an accused employee should be at the City or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Before any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period, and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a proper advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview. Any representative attending at the request of an employee is there for support of the employee. Representatives may ask clarifying

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questions if needed, though they may be excused from the interview if they become disrupted in any way.

- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed..
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

421.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the employees, the identity of the assigned investigators, the initial date, and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

421.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve city employees. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the supervisor shall take appropriate action with regard to any additional allegations.

421.6.5 COMPLETION OF INVESTIGATIONS

Every supervisor or investigator assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within a reasonable period, but within 60 days, from the date of discovery by an individual authorized to initiate an investigation.

421.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The employee conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate. If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the updates.

421.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct. If it is suspected that an employee's personal phone or laptop is being used to further the wrongdoing, human resources must be consulted.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

421.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the City, the City Administrator, the Department Head, or the authorized designee may temporarily assign an accused employee to administrative leave after consultation with the Human Resources Department. Any employee placed on administrative leave:

- (a) May be required to relinquish any city badge, identification, and any other city equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different position, during the investigation. The employee may be required to remain available for contact at all times during work hours and will report as ordered.

421.9 CRIMINAL INVESTIGATION

Where an employee is accused of potential criminal conduct, the Department Head should refer the matter to the appropriate authority.

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The City Administrator shall be notified as soon as practicable when an employee is accused of criminal conduct.

421.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, the investigation report should be forwarded to the City Administrator or the authorized designee through the supervisory chain of command, as appropriate. The City Administrator may accept or modify any classification or recommendation for disciplinary action.

421.10.1 DISCIPLINARY RECOMMENDATIONS

The employee conducting the investigation should forward the investigation report to the appropriate position tasked with recommending discipline (e.g., Department Head, Human Resources Department representative, mid-level supervisor), who shall review the entire investigative file, the employee's personnel file, and any other relevant materials and make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Before forwarding recommendations to the City Administrator, the employee making the recommendation may return the entire investigation to the assigned investigator for further investigation or action.

If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the receipt and forwarding of the investigation report to the appropriate position for a disciplinary recommendation.

421.10.2 RESPONSIBILITIES OF CITY ADMINISTRATOR

Upon receipt of any written recommendation for disciplinary action, the City Administrator shall review the recommendation and all accompanying materials. The City Administrator may modify any recommendation and/or may return the file to the investigator for further investigation or action.

Once the City Administrator is satisfied that no further investigation or action is required by staff, the City Administrator shall determine the amount of discipline, if any, that should be imposed. If disciplinary action is proposed, the City Administrator shall provide the employee with a written notice and the following:

- (a) Access to all materials considered by the City Administrator in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the City Administrator within seven business days of receiving the notice.
 - 1. Upon a showing of good cause by the employee, the City Administrator may grant a reasonable extension of time for the employee to respond.
 - 2. If the employee elects to respond orally, the presentation shall be recorded by the City. Upon request, the employee shall be provided with a copy of the recording.

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Once the employee has completed their response, or if the employee has elected to waive any such response, the City Administrator shall consider all information received regarding the recommended discipline. The City Administrator shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the City Administrator has issued a written decision, the discipline shall become effective.

421.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The City Administrator should ensure that the complainant is notified of only the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint consistent with any applicable state laws.

421.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the City Administrator after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the City Administrator to consider.
- (d) If the City Administrator elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the City Administrator on the limited issues of information raised in any subsequent materials.

421.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

If an employee tenders a written resignation or notice of retirement before the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

421.13 APPEALS

At-will and probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time, unless there is a valid employee agreement. However, employees released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the City Administrator, Department Head, or the authorized designee.

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In cases where an individual on probation has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Department Head.

421.14 FRINGE BENEFITS

If the discipline issued is dismissal, the employee shall be provided written notice as to the status of their fringe and retirement benefits after dismissal.

421.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Military Leave

Effective Date:	1/1/2025
Revised Date:	12/1/2025
Issuing Authority: City Commission	

422.1 PURPOSE AND SCOPE

This policy provides general guidance regarding leave to perform military service as a member of the Reserves, National Guard, or for active duty in the U.S. Armed Forces as provided in applicable state law and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 USC § 4301 et seq.).

This policy does not address every situation or circumstance that may arise when an employee is performing military service or ordered to full or partial mobilization. As military leave situations arise, supervisors should consult with the Human Resources Department or legal counsel to obtain specific guidance regarding military leave rights.

422.2 POLICY

The City supports employees who may have mandatory orders or volunteer to serve in the military. The City will comply with USERRA and state and local laws relating to military leave.

422.3 MILITARY LEAVE

Generally, employees on military leave are entitled to the same rights and benefits that are provided to employees having similar seniority, status, and pay who are on furlough or leave of absence (38 USC § 4316).

422.3.1 LENGTH OF LEAVE

Employees are entitled to a military leave of absence for up to a maximum of five years. Military leave is available for both voluntary and mandatory service (38 USC § 4303; 38 USC § 4312).

There are exceptions to the five-year cumulative total, including inactive duty training (drills), annual training, involuntary recall, or retention in support of war, national emergency, certain operational missions, or training or retraining requirements (38 USC § 4312).

422.4 PROCEDURES AND RESPONSIBILITIES

Employees who require military leave shall provide as much advance written or verbal notice of the pending service as reasonable under the circumstances (38 USC § 4312).

Additionally, the employee should:

- (a) Provide copies of official orders or other official documentation, when available.
- (b) Select the benefit options desired during absence, if applicable.

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- (c) Retain copies of all submitted documents.

422.5 COORDINATION WITH CONTRACTS, PRACTICES, AND OTHER RULES

Wherever USERRA has more generous protections and benefits than state or local law, any applicable employment agreement, or local policy or practice, the City will apply the more beneficial right or benefit (38 USC § 4302).

422.6 LEAVE ACCRUALS

Employees are not required to use accrued leave while on military leave. However, employees may choose to use accrued annual leave or earned compensatory time, at their discretion (38 USC § 4316).

Employees will not accrue sick or vacation days during any period of military leave without pay. However, upon return, military leave time will be included in determining leave accruals.

For example, if vacation accrual increases from two weeks to three weeks upon completion of five years of service, then a person who works for two years, serves two years on active duty, and then returns, would be entitled to three weeks of vacation one year after reemployment.

422.7 HEALTH CARE BENEFITS

If the military service is 31 days or more, the City may elect to continue to pay the employer portion of benefit premiums for up to six (6) months, after which the employee will assume the full rate including employer and employee portion. At no time, however, will the City charge the employee more than 102% of the full premium of the health care plan (38 USC § 4317).

Employees on military leave may elect to purchase continuing health care coverage for a period of time that is the lesser of:

- (a) The 24-month period beginning on the first day of the employee's absence for military leave.
- (b) The period beginning on the first day of the employee's absence for military leave and ending on the date that the employee fails to apply for or return to a position of employment.

422.8 RETURN FROM DUTY

Employees returning from a military leave of absence must report to work as follows (38 USC § 4312; 20 CFR 1002.115):

- (a) For periods of service less than 31 days, employees must report back to work no later than the beginning of the first shift that begins on the first full regularly-scheduled day that follows the end of the employee's service period, plus a reasonable time to travel to the employee's residence, plus eight hours. If reporting within this period is impossible or unreasonable through no fault of the employee, the employee must return as soon as possible after expiration of the eight-hour period.
- (b) For periods of service of more than 30 days but less than 181 days, employees must apply for reemployment verbally or in writing no later than 14 days after completing

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service, or, if impossible or unreasonable to do so through no fault of the employee, no later than the next first full calendar day when it is possible to do so.

- (c) For periods of service of more than 180 days, employees must apply for reemployment verbally or in writing no later than 90 days after completion of service.

Employees who are recovering from an illness or injury incurred in or aggravated during military service must report to the City of West Fargo or apply for reemployment as provided in this policy at the end of the period necessary to recover from such illness or injury. The recovery period may not exceed two (2) years, except when circumstances beyond the employee's control exist and make reporting within the two-year period impossible or unreasonable.

An employee who fails to report or apply for reemployment in a timely manner will be subject to the City's rules of conduct and established policies covering absence from scheduled work.

422.9 REEMPLOYMENT RIGHTS

An employee returning from a temporary military duty leave of absence is generally entitled to reinstatement to the position and benefits they would have attained if not absent for military duty or, in some cases, a comparable job (38 USC § 4312).

422.9.1 FORMER POSITION

An employee returning from regular active military leave is entitled to reinstatement in the position that they would have attained had the employee not taken leave. If the leave exceeded 90 days, the employee is also entitled to a position of like seniority, status, and pay (38 USC § 4313).

If an employee returning from military leave is not able to perform the essential duties of the position the employee would have attained, the City will make reasonable efforts to help the employee become qualified (20 CFR 1002.198). If the employee remains unable to perform the essential duties of the position after the City's reasonable efforts, the employee is entitled to their previously held position at the time of departure or, in the case the leave exceeded 90 days, a position of like seniority, status, and pay. Where an employee remains unqualified for both of these positions after reasonable efforts by the City, the employee is entitled to the nearest approximation to these positions (38 USC § 4313).

When a returning employee cannot become qualified because of a disability incurred in or aggravated during uniformed service, the City, after making reasonable accommodations, must find a position of equivalent seniority, status, and pay for which the employee is qualified, or the nearest approximation (38 USC § 4313; 20 CFR 1002.198).

422.9.2 COMPENSATION AND BENEFITS

Upon return from regular active military duty, an employee is entitled to seniority and seniority-based rights and benefits, including but not limited to:

- (a) Receiving credit for the time spent in uniformed service under honorable conditions for purposes of seniority, retirement, promotion, and merit salary increases (20 CFR 1002.210).

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- (b) Receiving credit for time spent on military leave for purposes of calculating eligibility for leave under the Family and Medical Leave Act (20 CFR 1002.210).
- (c) Returning to the level in the salary range that they would have attained had the employee not left on military leave (20 CFR 1002.236).
- (d) Receiving the same contribution to retirement benefits upon reemployment that the City would have contributed had they not taken leave (20 CFR 1002.261).
- (e) Being treated as not having a break in service for purposes of participation, vesting, and accrual of pension benefits (38 USC § 4316; 38 USC § 4318).
- (f) Reenrolling in City health benefits without any waiting period.
- (g) Restoring benefits that were elected by the employee and their dependents at the time military service began, as well as to any other benefits that began during the leave for which the employee would reasonably have become eligible.

422.9.3 EMPLOYEE REEMPLOYMENT RESPONSIBILITIES

An employee returning from regular active military leave is entitled to reinstatement rights only if the employee, (38 USC § 4312):

- (a) Has given advance written or verbal notice of such service, unless precluded by military necessity.
- (b) Has served in the uniformed service for no more than five (5) years cumulatively while employed at the City, except as provided in 38 USC § 4312(c).
- (c) Has been issued a discharge under honorable conditions.
- (d) Reports to the City or applies for reemployment in a timely manner as provided in this policy.
 - 1. In the case that the military leave exceeds 30 days, submits documentation showing (20 CFR 1002.121; 20 CFR 1002.123):
 - (a) The application for reemployment is timely.
 - (b) The employee has not exceeded the cumulative five-year limit of service in the uniformed services, except as provided in 38 USC § 4312(c).
 - (c) The employee's separation or dismissal from service was not disqualifying.

422.9.4 CITY REEMPLOYMENT RESPONSIBILITIES

The City shall promptly reinstate employees entitled to reinstatement but no later than 14 days after a request for reinstatement. In the case of unusual circumstances, the City shall reinstate employees as soon as practicable (20 CFR 1002.181).

The City is not required to reemploy a person after military leave if any of the following conditions exist (38 USC § 4312):

- (a) The City's circumstances have so changed as to make such reemployment impossible or unreasonable.
- (b) Such reemployment would impose an undue hardship upon the City.

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- (c) The person held a nonrecurrent job for a brief period of time and had no reasonable expectation that such employment would continue.

Supervisors should consult with the Human Resources Department or legal counsel before determining whether any of these conditions exist.

422.10 RETENTION

An employee who is reinstated after returning from military leave may not be discharged, except for cause (38 USC § 4316; 20 CFR 1002.247):

- (a) For 180 days after the date of reemployment if the most recent period of military service was more than 30 days and less than 181 days.
- (b) For one year after the date of reemployment if the most recent period of military service was more than 180 days.

422.11 DISCRIMINATION AND RETALIATION PROHIBITED

Discrimination or retaliation against any employee for participation in military service is prohibited, whether the employee volunteers or is ordered to active military service (38 USC § 4311).

422.12 STATE AND LOCAL MILITARY LEAVE CONSIDERATIONS

Consistent with state law, any employee given orders to active noncivilian employment for military duty may be eligible for up to 20 workdays of paid military leave from the City. Military Leave may be used for drill weekends, annual training, and additional (voluntary) training with approval.

If an employee is mobilized (fully or partially) or called for emergency state active duty, the employee's leave of absence is eligible to be without loss of pay for the first 30 days of absence; provided, however, any workdays of paid Military Leave taken for active noncivilian employment in accordance with this section during the current calendar year shall reduce the employee's available days of Military Leave for an overall total of 30 days of paid Military Leave from the City during a calendar year. (NDCC 37-01-25(4), 37-01-01(2), (12)))

Employees may use Military Leave on a day which falls on their regular employment schedule.

Example: If an employee has drill on Saturday and they would have been scheduled that day, they are eligible to use Military Leave.

The City will comply with the requirements of any applicable state or local laws that provide for military leave benefits.

Employees should consult with their supervisor and the Human Resources Department for additional information regarding applicable leave benefits.

The United States Code defines "workday" as an eight (8) hour period of time, and the State of North Dakota has adopted this definition. In compliance with state and federal law, the City has moved to 'total hours' in an effort to accommodate Police and Fire Suppression. Please see the Military Leave graph to determine eligible Military Leave based upon employment at the City. Military Leave under this policy will be proportionally adjusted for part-time City employees based on the number of hours in the employee's regularly scheduled biweekly pay period.

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Non – Mobilization Orders (20 workdays)

Employee Type	Hours in the regularly scheduled biweekly pay period	Ratio of hours in the regularly scheduled pay period to an 80-hour pay period	Hours in military leave per calendar year	Pay periods of military leave per calendar year
Full time Employee	80	1 (80/80)	1 x 160 = 160 hours	2 pay periods
Part-Time Employee	40	.5 (40/80)	.5 x 160 = 80 hours	2 pay periods
Fire Suppression (24-hour shifts)	112	1.4 (112/80)	1.4 x 160 = 224 hours	2 pay periods
Police (10-hour shifts)	80	1 (80/80)	1 x 160 = 160 hours	2 pay periods
Police (12-hour shifts)	84	1.05 (84/80)	1.05 x 160 = 168 hours	2 pay periods

Full or Partial Emergency Mobilization Orders (30 workdays)

Employee Type	Hours in the regularly scheduled biweekly pay period	Ratio of hours in the regularly scheduled pay period to an 80-hour pay period	Hours in military leave per calendar year	Pay periods of military leave per calendar year
Full time Employee	80	1 (80/80)	1 x 240 = 240 hours	2 pay periods
Part-Time Employee	40	.5 (40/80)	.5 x 240 = 120 hours	2 pay periods
Fire Suppression (24-hour shifts)	112	1.4 (112/80)	1.4 x 240 = 336 hours	2 pay periods
Police (10-hour shifts)	80	1 (80/80)	1 x 240 = 240 hours	2 pay periods
Police (12-hour shifts)	84	1.05 (84/80)	1.05 x 240 = 252 hours	2 pay periods

Personnel Records

425.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

425.2 POLICY

It is the policy of the City to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state. In accordance with the North Dakota Century Code Sec. 44-04-18, municipal personnel files are public records and are open to inspection by the public. Personal information, as detailed in North Dakota Century Code Sec. 44-04-18.1, is considered confidential and exempt and may not be released without the written consent of the employee.

425.3 PERSONNEL FILE

A personnel file shall be maintained as a record of a person's employment/appointment with this city. The personnel file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (d) Original performance evaluations.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the city file after the employee has had the opportunity to read and initial the comment.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Personnel Records

425.4 DEPARTMENT, DIVISION, OR AGENCY FILE

The City files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

425.5 TRAINING FILE

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file.

425.6 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

425.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator or representatives of the City in connection with official business.

Personnel Records

425.7.1 REQUESTS FOR DISCLOSURE

Any employee receiving a request for a personnel record shall promptly notify the City Auditor or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

425.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS

Employees may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Employees seeking the removal of any item from their personnel records should file a written request to the City Administrator. The City should remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the City should be retained with the contested item in the employee's corresponding personnel record.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

425.9 RETENTION AND PURGING

Personnel records shall be maintained in accordance with the established records retention schedule:

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the City Administrator.
- (c) If, in the opinion of the City Administrator, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Personal Leave

Effective Date:	1/1/2025
Revised Date:	11/17/2025
Issuing Authority:	City Commission

426.1 PURPOSE AND SCOPE

This policy provides guidance for the use and administration of Personal Leave for City of West Fargo employees. Personal Leave is designed to give employees flexibility for needs that cannot be accommodated during regular working hours.

426.2 POLICY

It is the policy of the City of West Fargo to provide eligible employees with 2 days (sixteen (16) hours) of paid Personal leave each calendar year. Due to their extended shifts, fire suppression personnel, working rotating 24-hour shifts, will receive forty-eight (48) hours and sworn officers, working 12-hour shifts, will receive twenty-four (24) hours. Personal Leave may be used at the discretion of the employee for any reason, including personal, family, religious, or wellness-related purposes. All use of Personal Leave must be scheduled and approved in advance by the employee's department head or supervisor unless the leave is for an emergency.

426.3 ELIGIBILITY

All full-time, regular employees are eligible to receive Personal Leave after ninety (90) days of continuous employment. Employees hired prior to July 1 shall receive two (2) Personal Leave days during their first calendar year. Employees hired between July 1 and October 1 shall receive one (1) Personal Leave day during their first calendar year. Employees hired after October 1 will become eligible to receive Personal Leave beginning January 1 of the following calendar year, when annual leave hours are credited.

426.4 ACCRUAL AND USE

Each full-time employee is granted two (2) Personal Leave days per calendar year, equivalent to the number of hours on their regularly scheduled workday. Personal Leave hours are credited to the employee's leave balance on the first day of each calendar year. Employees may use Personal Leave in increments of 15 minutes, one-quarter (0.25) hour, to allow flexibility. Requests for Personal Leave must be submitted in advance whenever possible, and approval will be based on departmental staffing needs. Supervisors are responsible for ensuring that leave use is documented and consistent with City policies.

Personal Leave

In instances of an employee working on a City-recognized-holiday, the employee will be credited the equivalent number of hours to their Personal Leave bank. See Holidays policy for more information.

426.5 CARRYOVER AND FORFEITURE

Personal Leave must be used within the calendar year in which it is granted and does not carry over into subsequent years. Unused Personal Leave will be forfeited at the end of each calendar year unless written authorization for carryover is granted by the Chief Administrator or City Commission. Such requests will be considered only in exceptional circumstances where work-related demands prevented use of leave and must be submitted and approved before December 31st.

426.6 SPECIAL PROVISIONS

In certain cases, the Chief Administrator may approve the award of additional Personal Leave as an incentive or as part of an employee recognition or wellness program. These additional hours must be documented in writing and approved prior to being credited to the employee's balance. Personal Leave is separate from all other types of paid leave and may not be retroactively substituted for other absences.

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426.7 PERSONAL LEAVE IN CONJUNCTION WITH OTHER TYPES OF ABSENCES

Holiday During Personal Leave	If a regularly scheduled holiday falls during a period of days in which an employee is using Personal Leave, the employee will be paid the holiday (non-worked) providing they have either hours worked or paid leave during the scheduled shift preceding the holiday.
Illness/Injury During Personal Leave	If an employee becomes injured or ill during a planned Personal Leave, they will not be permitted to change the leave type.
Bereavement Leave During Personal Leave	If an employee suffers the loss of a family member or relative during regularly scheduled Personal Leave and bereavement leave is appropriate, the time off for the bereavement will not be considered Personal Leave unless it exceeds the allotted bereavement leave days.
Family and Medical Leave (FMLA)	Personal Leave may be designated for all or portions of Family and Medical Leave Act Leave (FMLA). Refer to Family and Medical Leave.
Sick Leave	Personal Leave must be used in circumstances of employee absences due to illness after an employee has exhausted their sick leave balance.
Injury Leave	An employee who files a claim with Workforce Safety and Insurance (WSI) and is unable to work due to the injury/illness for which they have filed a claim will be placed on a leave of absence and first paid from their accrued sick leave. Once sick leave is exhausted, the employee will then be paid from Personal Leave. If the claim is accepted by WSI, sick and/or Personal Leave used relating to the claim will be credited back to the employee. An employee may elect to use their accrued Personal Leave (after exhausting sick leave) to make up the difference between the amount paid by WSI and the 1/3 pay from the City.

426.8 SEPARATION OF EMPLOYMENT

Upon separation of employment, employees will be compensated for any accrued but unused Personal Leave at their base hourly rate as of their last day worked. In the event of retirement, resignation, or termination, unused Personal Leave will be included in the employee's final

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paycheck, consistent with City payroll policies. A deceased employee's estate will be entitled to payment for all earned and unused Personal Leave.

Vacation Leave

Effective Date:	1/1/2025
Revised Date:	11/17/2025
Issuing Authority: City Commission	

427.1 PURPOSE AND SCOPE

This policy provides guidance for the accrual, use, and administration of Vacation leave for City of West Fargo employees. Vacation leave is designed to provide employees with paid time away from work for rest, recreation, and personal matters. The policy promotes employee well-being, morale, and work-life balance while ensuring City operations continue efficiently.

427.2 POLICY

It is the policy of the City of West Fargo to provide full-time, regular employees with paid Vacation leave benefits. Vacation leave allows employees time off for rest, recreation, and personal business, with prior approval from the department head or supervisor. Vacation leave must be scheduled in advance whenever possible to maintain adequate departmental coverage.

427.3 ELIGIBILITY

All full-time, regular employees are eligible to accrue Vacation leave beginning on their first day of employment. Accrual rates are based on twenty-six (26) pay periods per year and vary according to the employee's length of continuous service with the City.

427.4 ACCRUAL OF VACATION LEAVE

Vacation leave accrual begins with the first pay period following the date of hire. Changes to accrual rates will occur at the beginning of the pay period following the employee's anniversary date. Vacation leave accrues as follows:

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All Non-Fire City Personnel

Completed Years of Service	Accrual Rate per Hour Paid	Maximum Hours Accrued per Pay Period	Maximum Hours Accrued per Year
0-4	0.0406	3.25 (3 hours and 15 minutes)	84.5 hours
4 years and 1 day - 9	0.0531	4.25 (4 hours and 15 minutes)	110.5 hours
9 years and 1 day - 14	0.0719	5.75 (5 hours and 45 minutes)	149.5 hours
14 years and 1 day - 19	0.0813	6.5 (6 hours and 30 minutes)	169 hours
19 years and 1 day+	0.0938	7.5 (7 hours and 30 minutes)	195 hours

Fire Suppression Personnel

Completed Years of Service	Accrual Rate per Hour Paid	Maximum Hours Accrued per Pay Period	Maximum Hours Accrued per Year
0 - 4	0.0438	3.50 (3 hours and 30 minutes)	91.00 hours
4 years and 1 day - 9	0.0563	4.50 (4 hours and 30 minutes)	117.00 hours
9 years and 1 day - 14	0.0750	6.00 (6 hours and 0 minutes)	156.00 hours
14 years and 1 day - 19	0.0844	6.75 (6 hours and 45 minutes)	175.50 hours
19 years and 1 day+	0.1000	8.00 (8 hours and 0 minutes)	208.00 hours

Under special circumstances, the Department Head may submit a request for a leave hours bank or service years to be granted as part of an offer package to a prospective employee. This request must be submitted by the Department Head to their Senior Director and the Human Resources Department and approved before being offered to the potential employee.

427.5 CARRYOVER AND FORFEITURE

Employees may carry over up to two hundred forty (240) hours of Vacation leave into the following calendar year. Due to the extended shifts required, Fire Suppression Personnel working 24-hour rotational shifts may carry over up to three hundred thirty-six (336) hours and Police

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Officers working 12-hour rotational shifts may carry over up to two hundred fifty-two (252) hours. Department Heads may submit a request to their Senior Director and the Human Resources Department for additional leave carryover. This request, including justification for the exception, must be submitted and approved before the leave carryover date of December 31st each year. Vacation leave balances in excess of the approved limits at year-end will be forfeited.

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427.6 VACATION LEAVE IN CONJUNCTION WITH OTHER TYPES OF ABSENCES

Holiday During Vacation Leave	If a regularly scheduled holiday falls during a period of days in which an employee is using Vacation Leave, the employee will be paid the holiday (non-worked) providing they have either hours worked or paid leave during the scheduled shift preceding the holiday.
Illness/Injury During Vacation Leave	If an employee becomes injured or ill during a planned Vacation Leave, they will not be permitted to change the leave type.
Bereavement Leave During Vacation Leave	If an employee suffers the loss of a family member or relative during regularly scheduled Vacation Leave and bereavement leave is appropriate, the time off for the bereavement will not be considered Vacation Leave unless it exceeds the allotted bereavement leave days.
Family and Medical Leave (FMLA):	Vacation Leave may be designated for all or portions of Family and Medical Leave Act Leave (FMLA). Refer to Family and Medical Leave.
Sick Leave	Vacation Leave must be used in circumstances of employee absences due to illness after an employee has exhausted their sick leave balance.
Injury Leave	An employee who files a claim with Workforce Safety and Insurance (WSI) and is unable to work due to the injury/illness for which they have filed a claim will be placed on a leave of absence and first paid from their accrued sick leave. Once sick leave is exhausted, the employee will then be paid from Vacation Leave. If the claim is accepted by WSI, sick and/or Vacation Leave used relating to the claim will be credited back to the employee. An employee may elect to use their accrued Vacation Leave (after exhausting sick leave) to make up the difference between the amount paid by WSI and the 1/3 pay from the City. Employees on an injury leave of greater than 30 continuous days will stop accruing Vacation Leave after the 30th day until the employee returns to work. Leave accrual lost during this time is not reinstated.

Vacation Leave

427.7 USE OF VACATION LEAVE

To schedule Vacation Leave, employees must submit a time-off request through the automated time and attendance system, have it approved prior to the requested leave date, and use leave in increments of quarter hours (15 minutes minimum). Employees in departments with departmental policy requiring more advance notice of requested leave must follow their departmental policy. Employees must ensure they have enough accrued leave available to cover the dates requested. Vacation Leave hours will only be approved if accrued by the beginning date of the requested Vacation Leave. No advance of unaccrued leave will be permitted; employees are not permitted to carry a negative leave balance at any time.

Occasionally at the point a job offer is extended, a potential employee will request time off early in their employment due to a previous commitment. If the Department Head approves the time off, the employee must use all the Vacation Leave accrued at the time of the leave before going into an unpaid leave status. Likewise, a current employee must exhaust their Vacation Leave before going into an unpaid leave status for time off purposes and only upon the approval of the department head.

Requests will be reviewed and considered for approval based on several factors, including departmental operating and staffing requirements. Consideration may be given to seniority at the discretion of the department head if there is a written departmental policy on such matters. The supervisor should respond to the leave request within three business days of the date it was submitted indicating whether the request has been approved, denied, or the decision was postponed. If the supervisor denies or postpones making the decision on leave, they are required to provide a written reason for the denial or postponement.

Non-exempt employees only use the amount of Vacation Leave necessary to get to their regularly scheduled hours for the workweek. For example, if an employee submits a time-off request for eight hours in advance of a work week and then works 36 hours, the time off will be reduced to four (4) hours of Vacation Leave necessary to get to 40 hours for the workweek.

Exempt employees who work four (4) or more hours in a workday will be considered to have worked the full day and will not be required to use accrued Vacation Leave for that day. If an exempt employee works fewer than four (4) hours in a workday, the remaining hours of that day must be charged to accrued Vacation Leave.

Supervisors are responsible for monitoring Vacation leave use and ensuring accurate recordkeeping within their departments.

Vacation Leave

427.8 SEPARATION OF EMPLOYMENT

Upon separation from employment, employees will be compensated for accrued but unused Vacation leave at their base hourly rate in effect on the final day worked. Leave accruals will be paid in one lump sum on the final check for the pay period in which employment ended. Vacation leave may not be used to extend an employee's final date of employment.

A deceased employee's estate will be entitled to all accrued, unused Vacation Leave. The final paycheck will be deposited into the employee's existing account through direct deposit unless a written notification has been received authorizing payment to a designated beneficiary or the estate.

An employee who returns to service of the City within 1 year of separation will be given credit for prior service when determining the accrual level for Vacation Leave.

Overtime and Compensatory Time Policy

Effective Date:	1/1/2025
Revised Date:	11/17/2025
Issuing Authority:	City Commission

428.1 PURPOSE AND SCOPE

This policy establishes the rules governing overtime and compensatory time for City of West Fargo employees, in accordance with the Fair Labor Standards Act (FLSA) and applicable North Dakota Century Code provisions. The City seeks to maintain fiscal responsibility while ensuring employees are compensated fairly for authorized work performed beyond their standard hours.

428.2 DEFINITIONS

Definitions related to this policy include:

Non-exempt Employee- An employee eligible for overtime compensation under the FLSA

Exempt Employee- An employee exempt from overtime due to the Administrative, Executive, Professional, or Computer-Related status of their position as defined by the FLSA.

First Responders- Includes firefighters or police officers, not otherwise exempt, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; preparing investigative reports; and other similar work and are not exempt under 29 C.F.R. § 541.3, Section 13(a)(1) of the FLSA.

Overtime- Pursuant to the Fair Labor Standards Act (FLSA), overtime refers to hours worked in excess of the authorized number of hours in a Workweek for City personnel or Work Period for First Responders. These hours are classified as overtime and must be compensated accordingly

Overtime is compensated at one and one-half (1.5) times the employee's regular rate of pay. Only non-exempt employees are required to be paid overtime compensation.

Note: Not all hours paid at a rate of 1.5× constitute overtime under the FLSA. The City may authorize premium pay at similar multipliers under other policies (e.g., Holiday or Emergency Response) without those hours being classified as overtime.

Compensatory Time ("Comp Time")- Paid time off granted in lieu of overtime pay, earned at a rate of one and one-half (1½) hours for each hour of overtime worked.

Workweek- A fixed, recurring period of seven (7) consecutive days, beginning at 12:01 a.m. Sunday and ending at midnight the following Saturday.

Work Period- A fixed and regularly recurring period of consecutive 24-hour periods, selected by the Department Head and used to determine an employee's eligibility for overtime payments under

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the Fair Labor Standards Act, 29 U.S.C. section 207(k). First Responders may be employed on the basis of a Work Period chosen by the Department Head and approved by the Chief Administrator, or designee, which will be at least seven (7) days but no more than twenty-eight (28) days in length.

428.3 DETERMINATION OF EXEMPTION

The City of West Fargo will apply the "exemption test" as outlined in the FLSA to determine if a position meets the executive, administrative, professional, or computer-related exemption. Exempt employees are not eligible to receive overtime compensation. Such employees are compensated for services on a salary basis rather than hourly, are not considered to be on a standard forty-hour Workweek and are expected to work as long as is reasonably necessary to fulfill their job responsibilities.

428.4 AUTHORIZATION FOR OVERTIME

The City of West Fargo will make every effort to minimize the need for overtime through effective scheduling and workload management. Department Heads will make every effort to minimize overtime by efficient scheduling and distribution of workload. Overtime must be approved in advance by the Department Head, Chief, or designated supervisor.

If an employee has already worked the maximum hours possible prior to incurring overtime, a Department Head or designee may release the employee from working any remaining portion of the Workweek or Work Period to avoid incurring overtime.

Department Heads are responsible for managing employee scheduling and ensuring authorization procedures are completed according to policy. All overtime and compensatory time must be documented and reported on approved City time systems. Any unauthorized overtime may result in disciplinary action.

428.5 OVERTIME ELIGIBILITY AND COMPENSATION

Overtime will be defined as all hours worked in excess of 40, per the defined Workweek. For the West Fargo Police Department, non-exempt sworn police officers are paid the overtime rate for hours worked in excess of 84 hours in a 14-day Work Period. For the West Fargo Fire Department, non-exempt fire suppression personnel are paid the overtime rate for work in excess of 68 hours in a 9-day Work Period. West Fargo Police Department and West Fargo Fire Department personnel should refer to their respective departments' policy manuals for exceptions to overtime compensation.

428.5.1 COMPUTING OVERTIME

When an employee is absent from work during the Workweek or Work Period for any reason, the absent hours are deducted from the total hours worked in the cycle and overtime compensation will not be paid until the employee exceeds the maximum work hours in the Workweek or Work Period. Because of this, paid time off hours (including vacation, sick, personal, holiday, on-call,

Overtime and Compensatory Time Policy

and compensatory time used) are not considered "hours worked". However, worked holiday and call-back hours are included in the overtime calculation.

428.6 COMPENSATORY TIME IN LIEU OF OVERTIME PAY

428.6.1 ELECTION OF COMPENSATORY TIME

Non-exempt employees may elect, at the discretion of the Department Head, to receive compensatory time instead of cash payment. Within the departments that opt to permit compensatory time, non-exempt employees may be eligible to accrue compensatory time off at a rate of one and one-half (1½) hours for each one hour of overtime worked.

The choice between pay or compensatory time must be made before submitting the timesheet for approval, at the end of the pay period in which the overtime occurs. Failure to elect compensatory time accrual prior to submission will result in the employee being paid the overtime worked.

Temporary and seasonal employees are not eligible to accrue compensatory time.

428.6.2 MAXIMUM ACCRUAL

Compensatory time accrues at 1.5 hours for every one overtime hour worked. Employees may accrue up to 80 hours of compensatory time. Once the maximum is reached, additional overtime will be paid as overtime compensation for the pay period in which the hours are worked.

Department Heads may authorize temporary exceptions during declared emergencies or disaster response periods, consistent with FLSA standards.

428.6.3 USE OF COMPENSATORY TIME

Employees are required to use compensatory time prior to the use of vacation and personal leave. Employees who request the use of compensatory time off in advance may do so, provided that the absence does not unduly disrupt the operations of their department or the City.

428.6.4 PAYMENT OF COMPENSATORY TIME

When employment ends, all compensatory time accrued will be paid out to the employee, at their current rate of pay, in their final paycheck. In the event of death, accrued compensatory time will be paid to the employee's estate.

If an employee transfers from a non-exempt to an exempt position, all accrued compensatory time will be paid at the pre-transfer rate of pay as of the transfer date.

The City reserves the right at any time to pay an employee in cash for any or all accrued compensatory time and/or to require the employee to use accumulated compensatory time.

Overtime and Compensatory Time Policy

428.7 RECORDING AND REPORTING

Department Heads will ensure accurate records of all hours worked, authorized overtime, and compensatory time earned and used in compliance with this policy. Additionally, it is their responsibility to ensure that the approval procedures established by the Human Resources and Finance Departments are followed.

Time will be recorded in quarter-hour increments and submitted per the City's payroll schedule.

428.8 EMERGENCY AND DISASTER RESPONSE

The Fair Labor Standards Act recognizes that exempt employees may perform non-exempt work and are thus entitled to overtime in emergencies. Under extremely unusual conditions, when the Board of City Commissioners officially declares an emergency within the City, exempt employees are eligible to receive overtime pay. It is expected that these conditions would be extremely rare and apply only when the City faces extraordinary situations.

Likewise, exempt employees are eligible for overtime pay when they are called to respond to the mutual aid of other jurisdictions within the state under a governor-declared emergency or regional response memorandum of understanding (MOU) through the North Dakota Department of Emergency Services (NDDDES), within the region under a presidentially declared federal emergency, or when requested through the Emergency Management Assistance Compact (EMAC) or cross-border mutual assistance through the Northern Emergency Management Assistance Compact (NEMAC).

Under an officially declared emergency by the City Commission, non-exempt and exempt employees are eligible for overtime for all emergency-related hours worked in excess of forty hours per week. In addition, hours worked on regular job responsibilities in excess of forty hours per week that are attributable to emergency-related work accomplished during regularly scheduled hours will be paid as overtime for exempt employees.

428.9 EXEMPTION AND DEDUCTION DISPUTE RESOLUTION

It is the intent of the City of West Fargo to comply fully with all applicable wage and hour laws and regulations. Accordingly, the City ensures that deductions from employee pay are made only in circumstances permitted by the Fair Labor Standards Act (FLSA) and the U.S. Department of Labor's rules. Improper pay deductions, as defined in Title 29 of the Code of Federal Regulations, Section 541.602(a), may not be made from the pay of exempt employees.

Employees who have questions or concerns regarding their exemption status, or who believe an improper deduction has been made from their pay, should promptly bring the matter to the attention of their immediate supervisor and/or Department Head. If the issue is not resolved within ten (10) business days, or if the employee feels uncomfortable discussing the matter with their supervisor, they must submit the question, concern, or complaint to the Human Resources Department.

All concerns or complaints should be submitted in writing and include the employee's name, position, and a brief description of the issue, including the pay period to which the concern relates.

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If the employee is unable, for any reason, to submit the complaint in writing, an HR team member will document the statement on the employee's behalf. The employee will then be asked to review and sign the statement to verify its accuracy.

The City of West Fargo is committed to investigating and resolving employee complaints promptly and accurately. In alignment with the U.S. Department of Labor's policies, all complaints will be reviewed and addressed within a reasonable timeframe, considering all relevant facts and circumstances.

If an investigation determines that an employee experienced an improper deduction from pay, the employee will be reimbursed, and the City will take any necessary corrective action to ensure continued compliance with the salary basis requirements in the future.

The classification of positions, as exempt or non-exempt, is specified in each position's official job description. The City of West Fargo is committed to fair and lawful compensation practices and encourages employees to report any perceived discrepancies without fear of retaliation.

Holiday Policy

Effective Date:	1/1/2025
Revised Date:	11/17/2025
Issuing Authority: City Commission	

429.1 PURPOSE AND SCOPE

The purpose of this policy is to define the City of West Fargo's recognized holidays and to establish guidelines for the administration of holiday pay and time off. This policy ensures consistent and equitable treatment for all eligible employees regarding holiday observance, compensation, and scheduling, while maintaining essential City operations.

This policy applies to all regular full-time employees of the City of West Fargo. Part-time, temporary and seasonal employees are not eligible for paid holidays. Specific provisions for Library personnel are outlined in Section 433.5, and provisions for First Responders are outlined in Section 433.6 of this policy.

429.2 RECOGNIZED HOLIDAYS

The City of West Fargo observes the following holidays each calendar year:

1. New Year's Day (January 1)
2. Presidents Day (Third Monday in February)
3. Memorial Day (Last Monday in May)
4. Independence Day (July 4)
5. Labor Day (First Monday in September)
6. Veterans Day (November 11)
7. Thanksgiving Day (Fourth Thursday in November)
8. Day After Thanksgiving (Friday following Thanksgiving)
9. Christmas Eve (December 24)
10. Christmas Day (December 25)

When a holiday falls on a Saturday, it will typically be observed on the preceding Friday. When a holiday falls on a Sunday, it will typically be observed on the following Monday. The City Administrator may authorize additional holiday observances or changes to the schedule based on operational needs or special circumstances.

Holiday Policy

429.3 HOLIDAY PAY ELIGIBILITY

To be eligible for holiday pay, an employee must be in paid status on both the scheduled workday immediately preceding and immediately following the holiday. Employees on unpaid leave or disciplinary suspension during this period are not eligible for holiday pay. Holiday pay is calculated based on the employee's regularly scheduled hours for that day, up to a maximum of twelve (12) hours for full-time employees.

429.4 WORK ON A HOLIDAY

Employees who are required to work on a recognized holiday will be compensated in accordance with the City's overtime policy. In general, non-exempt employees who work on a holiday will receive their regular holiday pay in addition to one and one-half (1.5) times their regular rate of pay for all hours worked on the holiday. Exempt employees who are required to work on a holiday may be granted equivalent time off at the discretion of their Department Head.

429.5 PROVISIONS FOR LIBRARY PERSONNEL

Because the library operates Monday through Saturday, holidays will be observed on the actual date, except when a holiday falls on a Sunday, in which case the following Monday will be observed.

Full-time Library personnel who work on a holiday will receive regular pay for all hours worked in addition to personal time credit equivalent to one regular day's pay. This credit is limited to a maximum of twelve (12) hours and will be added to the employee's personal leave bank.

All holiday closure personal time hours are accrued after the holiday occurs and must be used within the same calendar year in which the holiday occurs. All other City provisions apply.

429.6 PROVISIONS FOR FIRST RESPONDERS

Holidays for First Responders, including sworn police and fire personnel, will be recognized on the actual calendar date of the holiday.

429.6.1 FIRST RESPONDERS NOT SCHEDULED TO WORK ON A HOLIDAY

Full-time First Responders who are not scheduled to work on the holiday and do not work will receive vacation credit equivalent to one regular day's pay. This credit is limited to a maximum of twelve (12) hours and will be added to the employee's vacation bank. At the Department Head's discretion, personnel may alternatively choose to receive holiday pay equal to one regular day's pay (maximum of twelve (12) hours). See individual department manuals for further guidance.

429.6.2 FIRST RESPONDERS SCHEDULED BUT NOT WORKING ON A HOLIDAY

Full-time First Responders who are scheduled to work but do not work on the holiday will receive vacation credit equivalent to one regular day's pay (maximum of twelve (12) hours), added to their vacation bank. Employees must use accrued vacation, personal, or compensatory time to cover their scheduled hours for that day.

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429.6.3 FIRST RESPONDERS WORKING ON A HOLIDAY

Full-time First Responders who work on a holiday will receive regular pay for all hours worked in addition to vacation credit equivalent to one regular day's pay. This credit is limited to a maximum of eighteen (18) hours and will be added to the employee's vacation bank. At the Department Head's discretion, personnel may alternatively choose to receive holiday pay equal to one regular day's pay (maximum of eighteen (18) hours). See individual department manuals for further guidance.

Chapter 5 - PAYROLL

Payroll Records

503.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of city employees who are eligible for the payment of wages.

503.2 POLICY

The City maintains timely and accurate payroll records.

503.3 RESPONSIBILITIES

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records of employees under their supervision.

503.4 TIME REQUIREMENTS

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the city payroll procedures.

503.5 RECORDS

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Chapter 6 - FACILITIES & EQUIPMENT

Local Government-Owned and Personal Property

600.1 PURPOSE AND SCOPE

This policy addresses the care of city-owned property and the role of the City when personal property, the property of another person or entity, or city-owned property is damaged or lost.

600.2 POLICY

The City will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The City will take steps to minimize the cost associated with maintaining city property, including personal property authorized for use in the employee's duties.

600.3 LOCAL GOVERNMENT-ISSUED PROPERTY

Supervisors should document all job specific equipment issued by the City in the appropriate file at the time of issuance. Upon separation from the City, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor within the offboarding process.

600.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and seek replacement of city property that has been assigned or entrusted to them.

- (a) Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any city-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, city-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) City-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

600.4 PERSONAL PROPERTY

Personal property or equipment shall not be carried during work hours or used for work-related purposes without prior approval by the Department Head or appropriate supervisor. The employee should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried (e.g., cell phone, wallet, sunglasses) is excluded from this requirement (see the Personal Communication Devices Policy).

The City will not replace or repair property that is not reasonably required as part of work.

Local Government-Owned and Personal Property

600.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

The City is not liable for damage or loss to any personal property authorized to be used for work purposes.

600.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should investigate it and direct a memo to their Department Head or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

600.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Employees who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any city function shall promptly report the damage to a supervisor.

600.6.1 DAMAGE BY OTHERS

Employees who observe damage to the real or personal property of the City should report the damage as follows:

- (a) A verbal report should be made to the employee's immediate supervisor or the Department Head responsible for the property as soon as practicable.
- (b) A written report should be submitted before the end of the employee's workday or as otherwise directed by the supervisor.

Vehicle Use

601.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for city business. This policy does not create or imply any contractual obligation by the City to provide assigned vehicles.

Individual Departments may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

601.2 POLICY

The City authorizes the use of certain vehicles for official city business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

601.3 USE OF VEHICLES

601.3.1 VEHICLE ASSIGNMENTS

City vehicles may be assigned to individual employees at the discretion of their Department Heads. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other city employees at the discretion of their Department Head.

601.3.2 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the City shall:

- (a) Possess a valid driver's license.
 - 1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent city vehicle use or personal vehicle use for city business.
 - 2. Employees must possess a valid commercial driver's license or special class license when applicable.
- (b) Provide the city with a driver's history report upon request.
- (c) Possess appropriate insurance as required for personal vehicles used for city business.
 - 1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
 - 2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.

Vehicle Use

- (d) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- (e) Obey all traffic laws.
- (f) Maintain any personal vehicles used for city business in safe working order.

601.3.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned city vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All city vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

601.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times to safeguard any city equipment prior to parking or leaving the vehicle.

601.3.5 VEHICLE LOCATION SYSTEM

City vehicles, at the discretion of the City Administrator or the authorized designee, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require City Administrator or the authorized designee's approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

601.3.6 KEYS

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

601.3.7 AUTHORIZED PASSENGERS

Employees operating assigned vehicles shall not permit unauthorized persons to ride as passengers in the vehicle.

Vehicle Use

601.3.8 PARKING

Employees should obey parking regulations at all times.

City vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to city vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

601.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories from city vehicles without written permission from the City Administrator or the authorized designee.

601.4 UNSCHEDULED TAKE-HOME USE

Employees may take home city vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the City.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the city limits.
- (d) Off street parking will be available at the employee's residence.
- (e) The vehicle will be locked when not attended.
- (f) All portable city equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

When such circumstances occur, the City Administrator or the authorized designee shall document the unscheduled take-home use in the vehicle assignment roster.

601.5 ASSIGNMENT OF TAKE-HOME VEHICLES

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

Employees are cautioned that under federal and local tax rules, personal use of a city vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

601.5.1 TAKE-HOME VEHICLE AGREEMENT

Employees shall sign a take-home vehicle agreement that outlines how the vehicle shall be used, where it shall be parked, vehicle maintenance responsibilities, and any other appropriate requirements. The agreement should minimally provide that:

Vehicle Use

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal reasons, unless special circumstances exist and the City Administrator or the authorized designee gives prior authorization.
- (b) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the City Administrator or the authorized designee. If the vehicle is not secured inside a locked garage, all removeable city equipment shall be removed and properly secured in the residence.
- (c) Vehicles are to be secured at the employee's residence or the appropriate city facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the employee's residence, the City shall have access to the vehicle.

601.6 DAMAGE, ABUSE, AND MISUSE

When any city vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the Fleet and Facilities Manager.

Damage to any city vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Fleet and Facilities Manager. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

601.7 TOLL ROAD USAGE, FUEL, AND MILEAGE

Employees operating vehicles for city business shall pay the appropriate toll charge or utilize the appropriate tollway transponder.

With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the City for toll fees and fuel expenses incurred in the course of official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for city business.

Vehicle Maintenance

602.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that city vehicles are appropriately maintained.

602.2 POLICY

The City will service the city vehicles to ensure they remain operational and maintain their appearance, as resources allow.

602.3 GENERAL DUTIES

Employees are responsible for assisting in maintaining city vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

602.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be filed with the vehicle history prior to the vehicle returning to service.

602.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

602.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

602.5 VEHICLE REFUELING

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned city department at the end of the workday with less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location. The vehicle operator must be in attendance while fueling the vehicle.

602.6 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the City.

Employees using a vehicle shall remove any trash or debris at the end of their workday. Confidential material should be secured at the end of the workday.

Vehicle Safety Restraints/Safety Belts

603.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all employees operating or riding in city vehicles.

Individual city policies may provide additional guidance.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

603.2 POLICY

It is the policy of the City that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

603.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this city, or in any privately owned vehicle when conducting city business. The employee driving such a vehicle shall ensure that all other occupants, including those who are not employees of the City, are properly restrained.

603.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with federal and state law.

603.5 INOPERABLE SAFETY BELTS

City vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

City vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the City Administrator or the authorized designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

603.6 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

Vehicle Safety Restraints/Safety Belts

603.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Holiday Displays

605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on holiday displays by the City.

The use of city facilities by members of the public or private groups is addressed in the Use of Public Facilities Policy.

Memorials on city property are addressed in the Memorials on Public Property Policy.

605.2 POLICY

It is the policy of the City that city seasonal temporary holiday displays be appropriate and lawful.

605.3 RESPONSIBILITIES

The City Administrator or the authorized designee should review and approve each city holiday display.

The City Administrator's or their authorized designee's review should be completed prior to installation of the display and should include a review of the following:

- (a) The location of the display, including the types of structures and properties immediately adjacent to the display.
- (b) The manner and format in which the different secular and non-secular decorations will be displayed.
- (c) Whether the display complies with the criteria set forth in this policy.

If the City Administrator or their authorized designee has any concerns regarding the content of the display, the commission should be consulted prior to proceeding.

605.4 REVIEW CRITERIA

A city holiday display should not have an overall effect of supporting or endorsing a religion or denigrating or inhibiting any religion or religious belief. When reviewing a proposed display, the City Administrator or their authorized designee should consider the following:

- (a) The holiday display should:
 - 1. Have a primary purpose that is secular.
 - 2. Recognize the celebration of the holidays and/or seasonal traditions (e.g., lights, snowflakes, Santa Claus in the winter; bunnies, baskets, eggs in the spring).
 - 3. Include religious symbols only if they are accompanied by numerous other non-religious holiday items and in a non-religious setting.
- (b) The holiday display should not:
 - 1. Include religious symbols (e.g., a nativity scene, a cross, a menorah) alone or in a setting that focuses on or draws attention to a specific religion or the religious nature of a symbol.

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2. Be placed in any location that makes it appear that the display endorses a religion (e.g., on property adjacent to a church, other religious institution, or area connected to a religion; on city property that has a statue, monument, or sign that in combination with a holiday display might appear to endorse a religion).
3. Be used for any religious practices or ceremonies.

Flags

607.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper display of flags at city facilities.

607.2 POLICY

It is the policy of the City to display flags in compliance with federal and state laws and local ordinances.

607.3 DISPLAY OF FLAGS

Flags flown at city facilities will be displayed in the following order of prominence:

- (a) The United States flag
- (b) Flags of foreign governments recognized by the United States when flown with the United States flag
- (c) The state flag
- (d) The City of West Fargo flag
- (e) Any commemorative flags

607.4 DISPLAYING THE FLAG OF THE UNITED STATES

Federal law providing for the use and the display of the United States flag is contained in Title 4 Chapter 1 of the United States Code, commonly referred to as the "Flag Code." The City will display the flag of the United States in accordance with the provisions of 4 USC § 1 through 4 USC § 10.

607.4.1 DISPLAY OF THE UNITED STATES FLAG IN DAILY OPERATIONS

Employees should consult the Flag Code for guidance whenever the flag of the United States is to be displayed in any manner. This is to ensure that the display is presented in accordance with the Flag Code and as follows:

- (a) The United States flag should be conspicuously posted on all city facilities during hours of operation.
- (b) It is the universal custom to display the flag only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness (4 USC § 6).
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed (4 USC § 6).
- (d) The United States flag may only be flown at half-staff by Presidential or Gubernatorial decree, and on Memorial Day until noon (4 USC § 7).

Whenever the United States flag is displayed in conjunction with other flags or symbols it should occupy the "Place of Honor" (4 USC § 7).

Flags

607.5 DISPLAY OF THE STATE FLAG

The City will display the state flag prominently and in the proper position of honor in accordance with the United States Flag Code.

607.5.1 DISPLAY OF THE STATE FLAG IN DAILY OPERATIONS

Employees should review state law for guidance whenever the North Dakota flag is to be displayed in any manner to ensure that the display is presented appropriately. Displays of the flag should be consistent with the following protocol:

- (a) The North Dakota flag should be conspicuously posted on all city facilities during hours of operation.
- (b) Generally, the North Dakota flag should be displayed only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness.
- (c) The North Dakota flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- (d) The North Dakota flag shall be flown at half-staff whenever the flag of the United States is flown at half-staff, and may only be flown at half-staff at other times by order of the Governor.
- (e) Whenever the North Dakota flag is displayed in conjunction with the United States flag, the United States flag shall occupy the position of first honor (4 USC § 7). When the North Dakota flag is displayed in conjunction with other flags or symbols, it should occupy the position of honor.

607.6 DISPLAY OF COMMEMORATIVE OR UNOFFICIAL FLAGS

City flag displays, including but not limited to flagstaffs, are not intended to serve as a forum for free expression by the public. Commemorative flags or flags not identified in this policy, including flags of a government not recognized by the United States, should not be displayed by the City without prior approval from the City Administrator.

Chapter 7 - Technology Use

Information Technology Use

700.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of city information technology resources, including computers, electronic devices, hardware, software, and systems.

Additional guidelines for the use of city information technology resources are found in the Cybersecurity Policy.

700.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the City that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the City or city funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

700.2 POLICY

It is the policy of the City that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the City in a professional manner and in accordance with this policy.

700.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city computer system.

The City reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the City, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all key strokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

Information Technology Use

700.4 RESTRICTED USE

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

700.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any city computer. Employees shall not install personal copies of any software on any city computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

700.4.2 HARDWARE

Access to technology resources provided by or through the City shall be strictly limited to city-related activities. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

700.4.3 INTERNET USE

Internet access provided by or through the City shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

700.4.4 USE DURING NON-WORK HOURS

Employees shall only use technology resources provided by the City during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting,

Information Technology Use

email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

700.5 PROTECTION OF SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall immediately report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) pursuant to the incident reporting procedures established by the Information Security Officer.

700.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the City involving one of its employees or an employee's duties, an alleged or suspected violation of any city policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the city computer system when requested by a supervisor or during the course of regular duties that require such information.

Electronic Mail

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the City.

701.2 POLICY

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

701.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

701.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the City.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire City are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

701.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Director of Information Technology should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the City or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

702.2 POLICY

The City allows employees to utilize city-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours, for business-related purposes, or reasonably associated with work-related misconduct will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either during work hours or non-work hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the City and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city PCDs or networks (see the Information Technology Use Policy for additional guidance).

Employees have no expectation of privacy regarding any communications while using a personally owned PCD for city-related business or when the use reasonably implicates work-related misconduct.

702.4 LOCAL GOVERNMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the City may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. City-issued or funded PCDs may not be used for personal business during or after work hours unless

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authorized by the City Administrator or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the City and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD during work hours, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The City accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of internal communication systems) or as otherwise authorized by city procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the City to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the City should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any city business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the City, without the express authorization of the City Administrator or the authorized designee.
- (f) All work-related documents, emails, photographs, recordings, and other public records created or received on an employee's personally owned PCD should be transferred to the City and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements, or if the employee has prior express authorization from a supervisor, the employee may engage in city business-related communications. Should employees engage in such approved communications or work during non-work hours, employees entitled to compensation shall

Personal Communication Devices

promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document city-related business activities conducted during non-work hours in any manner shall promptly provide the City with a copy of such records to ensure accurate recordkeeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried during work hours or used to conduct city business:

- (a) All PCDs in the workplace shall be set to silent or vibrate mode.
- (b) A PCD may not be used to conduct personal business during work hours except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of city-provided communications methods is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular city-provided communications methods.
- (d) A PCD may be used to sign into authentication software required by the City. Employees may use their PCD to accomplish any two factor authentication requirements.
- (e) Employees are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official city business. Disclosure of any such information to any third party through any means requires the express authorization of the City Administrator or the authorized designee.
- (f) Employees will not access social networking sites for any purpose that is not official city business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the City Administrator or the authorized designee.

702.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other city communications network.

702.9 USE WHILE DRIVING

Employees operating vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to urgent business-related calls.

Generative Artificial Intelligence Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for city use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of city information technology resources are found in the Information Technology Use and Cybersecurity policies.

703.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

703.2 POLICY

The use of GenAI systems carries unique benefits within a local government entity, providing ways to increase operational efficiency, enhance city procedures, and improve the overall effectiveness of the City.

However, the prompts input into GenAI systems can present risks to both individuals and local governments by making accessible to the public information such as facility security records, security procedures, personal information, certain law enforcement records, and other confidential information (e.g., protected information, social services records, financial records). In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the City to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by an employee of the City using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

703.3 RESPONSIBILITIES

703.3.1 CITY ADMINISTRATOR

The City Administrator or the authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any city functions.

Generative Artificial Intelligence Use

703.3.2 AI COORDINATOR

Unless otherwise directed by the City Administrator, the AI coordinator is the Director of Information Technology and shall report to the City Administrator or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the City Administrator or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 - 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the City consistently over time.
 - 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the city's use of the system.
 - 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 - 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 - 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 - 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
 - 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of city data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., HIPAA requirements) should be used to outline the roles, responsibilities, and data ownership between the City and third-party vendor.
- (c) Coordinating with the Information Security Officer and others within the City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, secured, and used appropriately.
- (d) Maintaining a list or inventory of city-approved GenAI systems and, when appropriate for city transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

Generative Artificial Intelligence Use

- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each city-approved GenAI system.
- (h) Ensuring access to city GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the City to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the city's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and city practices and proposing updates as needed to the City Administrator or the authorized designee.

703.4 USE OF GENERATIVE AI

The use of city GenAI systems by city employees shall be limited to official work-related purposes, and employees shall only access and use GenAI systems for which they have been authorized and received proper training.

Employees shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Employees should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, employees should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable.
- (c) Include a statement in the final document or work product that GenAI was used to aid in its production.

703.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential security information, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly

Generative Artificial Intelligence Use

accessible. Employees should instead use generic unidentifiable inputs, such as "person," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

703.5 PROHIBITED USE

Employees shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the City Administrator or the authorized designee for the intended use.

703.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

Attachments



Policy Manual Addendum

Policies Approved in 2025 but not yet addressed in Lexipol

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I. Introduction and Disclaimers

1.01 Employment-At-Will

Employment with the City of West Fargo is “at-will” and may be terminated by either the employee or the employer at any time, with or without prior notice. No representative of the City of West Fargo may alter or grant exceptions to the policies described herein or enter into any agreement for employment for a specified period of time.

II. Employment

2.02 Employment of Relatives

Employees may not directly supervise a relative. For purposes of this policy, “relatives” are defined as spouses, children, siblings, parents, or grandparents. This includes in-laws of these same descriptions.

2.05 Workweek and Hours of Work

The standard workweek is from Sunday 12 a.m. through Saturday 11:59 p.m. and generally consists of forty (40) hours for full-time staff. Part-time staff hours may vary. Departments are responsible for determining the appropriate schedules, depending on the needs of each department.

2.06 Working from Home Policy

In order to best accommodate the needs of our employees and our customers, the City expects all employees to be available during normal working hours. Subject to the staffing needs of their department, workload, feasibility, and prior management approval, an employee may occasionally request to work from home for a day. Employees wishing to work from home must adhere to the following guidelines:

- Working from home must be approved as an option by Department Head. As approval of work from home will be based on internal and external customer requirements--not all departments may be able to accommodate these requests.
- Working from home must be approved in advance with direct supervisor.
- When working from home an employee must be available by phone or e-mail if customers or other employees have questions.
- Employees will be expected to adhere to the same normal work hours when working from home.
- When working from home requires an employee to take home company files, prior supervisor approval is required.
- Employees who want to work from home are responsible for assuring that the “home” office has needed tools and set-up to assure that work is performed safely, efficiently and effectively.

2.07 Volunteering

The City of West Fargo is committed to supporting the development of our community through volunteerism. Employees are encouraged to volunteer in community programs when possible.

Employees may request to volunteer for community programs by coaching youth activities, mentoring youth, and by providing support for community programs in general. Employees may be granted one hour of paid time each workweek to volunteer during their regularly scheduled hours. Employees may

request to combine paid time into a two-hour volunteer activity, not to exceed the equivalent of two hours in a two-week period. All volunteer activities must be approved by the employee's immediate supervisor prior to the activity. Any travel time associated with the volunteer activity will not be considered hours worked. Employees who are away from work for longer than one hour due to travel time will have the option to either make up the time in the same workweek or use paid leave. During periods of paid volunteer time, employees are considered to be on duty and must follow all City of West Fargo policies.

Opportunities will be provided for internships for students to explore career options as well.

2.11 Employment Classifications

Jobs are classified under the Fair Labor Standards Act (FLSA) as either nonexempt or exempt. Exempt employees are paid on a salary basis and are not eligible for overtime. Nonexempt employees are paid on either an hourly or salaried basis and are eligible for overtime pay if they work more than 40 hours per work week. The sworn officers of the Police Department and firefighting members of the Fire Department fall under the exemption 207(k) of the Fair Labor Standards Act and may be paid on a "work period" basis.

The City of West Fargo has established the following job categories. The department head, along with the Human Resources Director, determines the category of a job position. There may be a different categorization of the same or similar job, depending on the needs of the City.

The classifications are:

- Full-Time Regular – Employees schedule to work 40 hours per week on a regular basis. These employees are eligible for benefits.
- Full-Time Temporary (Seasonal) – Employees schedule to work 40 hours per week on a temporary basis. These employees are eligible for benefits only required by law.
- Part-Time Regular – Employees regularly schedule to work fewer than 40 hours per week. These employees are eligible for benefits only required by law.
- Part-Time Temporary (Seasonal) – Employees scheduled to work fewer than 40 hours per week, on a temporary or casual basis. These employees are eligible for benefits only required by law.

Full-time, regular employees are eligible for benefits the first of the month, following their date of hire, or the date of full-time regular status. If the employee begins on the 1st, their benefits will be effective upon their hire date.

2.12 Offer Letters

All new hires within the City require an offer letter to be presented to the employee for signature. Terms of the offer letter will be determined by the direct supervisor, in conjunction with Human Resources. Items will include starting salary, as well as any additional items included as terms of employment. Offer letters are not a contract of employment.

2.15 Loss of Required Licensure

Some positions with the City of West Fargo require a valid operator's license (CDL or otherwise). If an employee's required license is canceled, revoked or suspended, action may be taken based on the

circumstances of the situation. Action may include a formal EAP referral, progressive discipline, suspension, and/or termination of employment.

2.16 Resignation

In case of resignation, a full-time, regular employee is encouraged to give at least a two-week written notice to the direct supervisor. A copy of the notice shall be sent to the Human Resource Department. Failure to comply with the provision may be considered cause for denying the employee's future employment with the City.

2.17 Reference Release and Verification of Employment

The City will provide additional employment information to the requesting party as allowed under North Dakota Century Code statute 34-02-18, or obligated under federal or state law.

All employment references and verifications of employment are to be handled by Human Resources. The information provided will be based on documented facts that are true and objective.

Supervisors may provide letters of recommendation or professional references on behalf of the City, but the letters must be reviewed by the Human Resources Director before releasing the information.

Personal references can be given but are not to be sent using letterhead or via City email. Any personal references should also explicitly state the reference is not submitted on behalf of the organization and does not necessarily represent the opinions of the City.

2.18 Garnishments

The City of West Fargo is required by law to accept legal assignments or garnishments against the wages of employees in satisfaction of legal judgments.

2.21 Logo and Branding Elements

Branding elements of the City of West Fargo and all related departments, including but not limited to logos, letterhead, badges, and patches, are the property of the City of West Fargo. These elements can only be used for official City of West Fargo sanctioned communication efforts or authorized public displays. The Communications Department shall be the official custodian of the City-related elements; the Police Chief shall be the official custodian of the West Fargo Police Department-related elements; the Fire Chief shall be the official custodian of the West Fargo Fire Department-related elements; and the Library Director shall be the official custodian of the West Fargo Library-related elements. The custodians will authorize the use of the elements on a case-by-case basis. It is against City of West Fargo policy to make or use these elements, or any cut, facsimile or reproduction thereof, for unofficial purposes or to confuse, deceive or mislead the public, for private or commercial purposes, or for any purpose other than for the official business of the City or departments, without the express consent of the official custodians.

No person shall use these elements, or any facsimile thereof, for purposes of supporting or opposing the nomination or election to any city or other public office of themselves or any other person, or for purposes of supporting or opposing any ballot measure, nor include such city logo on any writing distributed for

purposes of influencing the action of the electorate, or any part thereof, in any election. This shall not be applicable to writings issued by the City of West Fargo.

III. Employee Development, Performance, and Discipline

3.07 Discipline

Disciplinary action may be taken by leadership in cases of violations of the policies set forth in this Employee Handbook, or for any instance of conduct deemed inappropriate by the City.

The City of West Fargo reserves the right to determine, in its sole discretion, whether and to what extent disciplinary action will be imposed. Determination as to specific disciplinary action will be made on a case-by-case basis depending on the circumstances of a particular situation.

Disciplinary action may take any or all of the following forms, even on a first infraction:

- Counseling/Coaching
- Verbal Warning
- Written Warning
- Final Warning
- Suspension with or without pay
- Demotion
- Termination of employment

Any listed method of discipline, except for counseling/coaching, shall be recorded in writing and kept in the employee's personnel file. The employee shall receive a copy of such disciplinary notices.

Elected and appointed board officials are not subject to disciplinary action except through election and/or appointment processes.

3.08 Privacy

The City of West Fargo reserves the right to conduct searches when there is suspicion or belief that work related wrongdoing has occurred. Search may include all areas of West Fargo City property reasonably suspected to be related to or involved in the wrongdoing. If a supervisor, foreman or department head suspects that an employee's personal phone or laptop is being used to further the wrongdoing, they will consult with the City Attorney.

IV. Safety/Health

4.04 Inclement Weather/Emergency Closing

A declaration may be made by the Commission President, City Administrator, or the Library Director (for Library offices only), or their designee because of adverse weather conditions or other emergency situations. If a declaration is made, only scheduled employees present and working, or scheduled

employees notified by their department head not to report to work due to the City location closure, will receive pay for time not worked.

If a declaration has not been made and a staff member chooses not to work when scheduled due to adverse weather or road conditions, or has previously requested to take that time off, the employee will not receive pay for any hours missed, but will be allowed to make up the lost time within the current pay period, take the time as vacation or compensatory time at the department head's discretion, or take the time off without pay.

Employees will be notified of a Weather/Emergency closing via a text alert to the cell phone number provided to us by the employee at the time of hire. It is the employee's responsibility to update Human Resources if they'd like to update the cell phone number on file.

Employee Responsibility

"Nonessential employees" are defined as those employees who regularly perform duties relating to nonessential services. Nonessential employees are required to notify their supervisor when they are not able to report to duty as the result of a natural or man-made emergency event. Nonessential employees are expected to make every reasonable effort to report to duty when safety permits.

"Essential employees" are generally defined as those employees who regularly perform duties relating to essential City of West Fargo services. These are services that may not be suspended because it would result in a threat to life or property if the service is not rendered. Essential employees are required to make every effort to report for duty. If an essential employee is unable to report for duty, the employee must contact a supervisor at the earliest possible time and detail their inability to report. Normal duty hours of essential employees may be extended to ensure staffing levels necessary to provide continued essential services.

Employees who are unsure of their essential vs. nonessential status should check with their direct supervisor.

Compensation

Nonessential, nonexempt employees who do not report for work as assigned may request the use of vacation, compensatory time off, or leave without pay. Nonessential, exempt employees may request vacation or personal leave. The request shall be made through normal time keeping procedures and approved by the supervisor or department head.

Essential, nonexempt employees who do not report for work as assigned may request the use of vacation, compensatory time off, or leave without pay. Essential, nonexempt employees reporting to work during a declaration of closure will be paid at the rate of one and one-half (1 ½) times their normal hourly wage for hours actually worked. Essential, exempt employees may request vacation or personal leave. Essential employees who fail to report for work as assigned may be disciplined, up to and including termination.

4.05 Identification/Building Security

Employees who are issued ID badges/keys/key fobs are responsible for their safekeeping. These employees will sign a form to acknowledge receipt and will return the ID badges/keys/key fobs when

they leave employment with the City. Any attempt by employees to bypass City security, may result in disciplinary action, up to and including termination. Employees are required to report any lost or stolen ID badges/keys/key fobs immediately to the IT department.

Employees are required to wear identification badges while on City property or while working outside of City property when on City business.

4.06 Federal Motor Carrier Safety Administration (FMCSA) and Department of Transportation (DOT) Compliance

The City of West Fargo will conduct controlled substance and alcohol testing of commercial driver's license (CDL) applicants and employees who will be reasonably expected to operate a qualified vehicle in compliance with the regulations established by the DOT and the FMCSA. All DOT drug screens will be conducted by an outside vendor.

Types of Testing:

1. Pre-Employment –Applicants, including current City employees, applying for a CDL-required position will have a job duties test and DOT drug screen before a full offer of employment. If a specimen is deemed as “altered,” the applicant will be required to immediately provide another specimen, under direct observation of the vendor.
2. Random – any City of West Fargo employee who holds a valid CDL and would be reasonably expected to operate a qualified vehicle will be required to be included in the random drug and alcohol screening pool. If an individual is drawn for a random screen and is off work during that time, a secondary individual will be required to have the random screen completed. The City will document why the primary individual was not able to complete the random screen.
3. Post-Accident – any employee involved in a work-related accident that involves services from an ambulance or tow truck, or if the employee or other individual involved in the accident is issued a citation, will be subject to a post-accident drug screen within 32 hours of the accident. The employee will also be subject to an alcohol screen within two hours after the accident. If the employee is not able to complete the screen within the first two hours, the City will document the reason and the employee must complete the alcohol screen within eight hours.
4. Reasonable Suspicion – any employee who is viewed by a supervisor or manager to be under the influence will be subject to a DOT drug and alcohol screen immediately.

Mandatory Disclosure

CDL-required employees must report any prescription drug use which may alter their ability to complete safety-sensitive functions.

Positive Test Results

If an applicant receives a positive drug screen result for a pre-employment screen, the conditional offer of employment will be withdrawn.

If an employee receives a positive test result under any of the other types of testing, they will be referred for an evaluation by a Substance Abuse Professional (SAP). The SAP may order the employee to do education or treatment and will indicate the results to Human Resources. The employee may not complete any safety-sensitive functions as defined by the FMCSA regulation 382.107 until they provide a negative return-to-duty drug screen result. The return-to-duty screen will be directly observed by the vendor. Once the employee has returned to their safety-sensitive functions, they will be required to do follow-up testing, recommended by the SAP, with a minimum of six direct observation drug screens in the 12 months following the return-to-work.

Any refusal of drug or alcohol screening will be deemed as voluntary resignation.

FMCSA/DOT CDL Compliance

All employees holding a CDL-required position must complete a self-certification affidavit and submit to the North Dakota Department of Transportation (NDDOT), confirming they are operating exclusively in transportation or operations excepted under 49 CFR 390.3 (f). Completing this affidavit releases the requirement of vehicle maintenance records, hours of service recordkeeping and attending roadside weigh stations. It is the employee's responsibility to cancel the self-certification affidavit with the NDDOT upon ending employment with the City of West Fargo.

All applicants applying for a CDL-required position must pass a pre-employment DOT physical and provide a valid, unexpired medical card.

All employees are prohibited from using a hand-held mobile device while operating a commercial motorized vehicle or city vehicle.

V. Leave

5.06 Vacation Donation

This program allows eligible employees to receive vacation donations from other employees for an event that has caused the employee, or immediate family of the employee to suffer from a severe illness, injury, or condition that is likely to cause the employee to take leave without pay or end employment. The term "immediate family" for vacation donation purposes shall be limited to any FMLA-qualifying family member, or other individuals who reside with the employee for the purpose of the employee providing care to the individual.

An employee seeking to receive leave from other employees shall first submit written explanation describing the employee, parent, spouse, or child's required level of medical care. Any request shall be submitted to the employee's department head by the employee or on the employee's behalf. The granting of the request will be made the City Administrator, in conjunction with the department head.

The employee donating time shall request the transfer of leave in four (4) hour increments. Donated hours shall not cause the receiving employee's current leave balance to exceed the maximum of four hundred eighty (480) hours as referenced in the Family Medical Leave Act. The receiving employee will receive donated hours at their regular rate of pay. To be eligible to donate time, an employee must have a minimum of eighty (80) hours vacation leave.

Donations are non-refundable and are not eligible for payout in the event of separation.

5.09 Leave of Absence

An employee of the City may be granted a leave of absence without pay for a period not to exceed ninety (90) calendar days. Prior to granting a leave of absence, accumulated vacation, sick time (if applicable), and compensatory time must be utilized. Leaves of absence may not be counted toward the computation of overtime or compensatory time.

If an employee is not eligible for FMLA, a leave of absence may be taken for pregnancy, sickness, disability, or other reasons considered adequate by the department head as being in the best interest of the City. Each request for a leave of absence will be evaluated on an individual basis, taking into consideration the length of service, staffing needs, reason for the leave and length of the leave of absence.

Request for a leave will be submitted in writing, stating the reasons why such leave should be granted, the proposed beginning date of such leave, and the date of termination of such leave. Such leave will not be granted by the department head when it is determined it would interfere with the normal operations of the City of West Fargo. Employees failing to return to duty upon completion of a leave of absence without pay shall be considered as voluntarily separated from employment, effective on the indicated date of return. The City Commission shall have the right to grant as many extensions to a leave of absence as determined necessary to the interests of the City.

A leave of absence will be granted with a condition of reinstatement to the same position or to another position of equal pay in the same department if such employment remains available. No change of employment status will occur without written notification to the employee before the conclusion of the leave of absence.

While on leave, employees will retain their years of service rights but will not earn additional benefits during their leave of absence.

5.10 Bereavement Leave

Full-time regular employees will be granted three days of paid bereavement leave, for spouses, domestic partner, children, siblings, parents, or grandparents and the "in-law" version of each. Other family members may be approved by Human Resources. Additional time may be granted to the employee for travel or funeral arrangements with use of vacation, compensatory or personal time. Leadership may request documentation for this absence. All non-qualifying bereavement leave must be taken as vacation, personal leave or compensatory time.

5.12 Leave Without Pay

In the event that an employee requests time off, but does not have sufficient leave balances to cover it, the supervisor may grant, at their discretion, Leave Without Pay (LWOP). This leave shall not be for longer than seven working days and employees must exhaust all eligible sick and vacation leave before a LWOP will be granted. Sick leave cannot be used to extend vacation days. Employees while on leave shall retain their years' service rights and benefits but shall earn no additional benefits, to include leave accrual.

VI. Compensation

6.01 Position Classification and Salary Plan

Human Resources prepares and maintains a position classification plan and a salary plan that includes job descriptions, minimum qualification requirements, essential duties and functions, relative rank of various positions, base pay, and any other information which is deemed necessary and appropriate. The plan and any amendments to the plan will be subject to approval of the Board of City Commissioners.

Department heads have the authority to hire an employee at the pay rate of steps A-C, within the correct grade of the position. The City Administrator has the authority to approve any hire at steps D or E. If any individual should be hired at a step F or above, it will require City Commission approval.

Any change to a classification or grading of a position may be requested by department heads and will be determined by Human Resources.

6.02 Step Increases

To be eligible for a step increase, an employee must be in good standing, have been in service of the City for at least six months, or have been recommended by their supervisor with written approval from the City Administrator.

6.03 Pay Periods

Pay periods consist of a two-week period beginning on Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m. Paychecks will be direct deposited the following Friday, after the last day of the previous pay period. For specific pay period start and end dates, please contact Payroll.

6.04 Last Day Worked

Benefit termination is determined by the last day an employee is physically in at the workplace performing their duties. This is also the date used for determining leave accruals and payouts, and qualifications for those payouts.

6.05 Unauthorized Work

Any work deemed as unauthorized City work or “off-the-clock” (work outside of scheduled hours that has not been approved by a supervisor) is strictly prohibited for non-exempt employees. Employees must record all hours worked. Under-reporting or over-reporting of work time is prohibited and will be considered falsification of time records, resulting in disciplinary action up to and including termination of employment.

6.06 Promotions

Promotion increases are to be granted on the effective date of the promotion when an individual is promoted to a position in a higher salary grade.

Any employee who is promoted to a higher wage grade classification will be placed into the step awarding a minimum five percent (5%) increase over current base salary (excluding out-of-grade pay).

6.07 Lateral Transfers

A lateral transfer occurs when an employee transfers to a different position inside or outside of his or her department in the same salary grade. Lateral transfers are typically not accompanied by an increase in pay at the time of the transfer.

6.08 Demotions

Demotion means either a voluntary or involuntary movement to a lower classification. The department head, in consultation with Human Resources, will determine whether a salary reduction is warranted. The department head or Human Resources may elect to freeze the salary of the employee receiving the demotion depending on the circumstances of the demotion.

6.09 Out-of-Grade Assignments

Any employee who is officially assigned as interim to perform the functions of a higher position classification on a short-term basis shall be paid according to the pay grade assigned to the higher classification.

Any employee who is moved out-of-grade to a higher wage grade classification will be placed into the step awarding a minimum five percent (5%) increase over current base salary. In no instance will the out-of-grade salary be less than the normal base salary plus the additional incentive percentage.

Requests for out-of-grade pay must be submitted to and approved by the Director of Human Resources and the City Administrator.

Out-of-grade pay for employees will be calculated and paid from the first day of assignment and will continue until the assignment has concluded. Out-of-grade pay shall be added to an employee's salary and is to be included in the calculation of overtime pay as required by the Fair Labor Standards Act (FLSA).

Out-of-grade pay will not be taken into consideration for promotional increases or the end-of-employment sick and vacation leave payout.

6.10 Elimination of Position/Lay Off/Reduction in Force (RIF)

Due to operational necessity or economic conditions, the City may have cause to eliminate, lay off, or temporarily suspend certain employment positions. An employee holding an eliminated employment position may be voluntarily or involuntarily terminated. An employee holding a temporarily suspended employment position may be terminated from employment with the opportunity of first notice for rehire when the employment position becomes available again.

When possible, the employee will be given at least a thirty (30) day written notice with the intent to lay off. Employees separated for no fault of their own will be placed on the re-employment list for one year. The order in which employees will be laid off shall be determined by the department head in accordance with employee's records and length of service with the City.

An employee holding an eliminated employment position may be voluntarily transferred to another available employment position with the City, if it is determined they are qualified to carry out those duties.

The employee will be assigned a salary step commensurate to the employee's knowledge, skills and abilities relating to the available employment position and within the assigned salary band for that position. The employee may receive a reduction in salary, but shall not be compensated less than the minimum wage, nor more than the maximum wage of the salary band.

6.11 Freezing of Pay

An employee whose salary is above the maximum of the salary range for his or her position will have no increases to base pay until the salary falls below the salary range maximum. This may occur if the position is regraded to a grading lower than the current one.

6.13 Break Periods

The scheduling of break periods for all non-exempt employees is the responsibility of the employee's immediate supervisor and/or department head, with the goal of providing a break for the employee while causing the least possible disruption for departmental operations.

Non-exempt employees who work at least five consecutive hours will be provided a break period of no less than 30 minutes. Break periods are not counted toward worked hours and are not compensable. Employees are to be completely relieved from duty during their break period. If an employee is called back and required to perform any work duties during their break period, the employee will be compensated for the entire 30 minute break period. Employees must notify their immediate supervisor as soon as possible if they worked during their break period.

Break periods may not be waived without prior approval by the employee's immediate supervisor and/or department head. On-going waivers of break periods must be documented in writing and approved by the department head and the Human Resources Director before the start of the period during which breaks will be waived.

The City of West Fargo offers and encourages employees to take two 15 minute rest periods or breaks when able, but does not require them to be taken. Paid 15 minute breaks cannot be combined with lunch breaks nor be used at the beginning or end of a shift, combined together to make a 30 minute break, or be banked to use at another time. Paid 15 minute breaks should be taken separately.

6.15 On Call and Call Back Pay

On-call employees are non-exempt employees who are required by leadership to be available to provide specific essential city functions outside their normal regularly assigned duties. Employees must be formally assigned to be on-call by a supervisor and must respond to the required work site within one hour. While on call, employees must adhere to all City of West Fargo policies, including the Drug Free Workplace policy.

On-call employees will receive one hour of pay at the regular rate for each calendar day served on call. On-call shifts begin at the end of a regularly scheduled shift and end at the beginning of the next regularly scheduled shift. On-call pay is not included in the overtime calculation.

On-Site Call Back Pay

Any non-exempt employee that is called to work on-site outside of their scheduled shift will be paid as follows:

Initial Response - a minimum of two hours call back pay at one-and-one-half (1 ½) times the regular rate.

Subsequent Response(s) – actual time worked at one-and-one-half (1 ½) times the regular rate.

Remote Call Back Pay

Any scheduled on-call employee that can resolve issues remotely outside of their scheduled shift will be paid as follows:

Initial Response - a minimum of one hour call back pay at one-and-one-half (1 ½) times the regular rate.

Subsequent Response – actual time worked at one-and-one-half (1 ½) times the regular rate.

All non-exempt employees are eligible for call back pay, even if they are not scheduled to be on-call.

Early Call In

If an employee is called for an initial onsite response before the start of a regular shift, it will be designated as a shift change and will not result in additional call back pay.

Patrol Officers held over their regularly scheduled shift will be compensated at time-and-one-half for hours held over.

6.16 Jury and Witness Pay

An employee called to jury duty will be granted time off with pay, less the amount of fees received for jury service.

When an employee is called as a witness on behalf of the City, the City will reimburse the employee for travel-related mileage, meals, and lodging. If the employee is fully reimbursed from another party, the City will not make additional reimbursement to the employee. No time shall be deducted for the absence of such employee as a witness, but the employee must remit the witness fee to the City. However, if leave is taken for this period of time, the employee may retain the witness fee.

When an employee is called as a witness when the City is not a party to the action, the employee will be required to take vacation, compensatory time, or personal leave and may collect witness fees and mileage from the proper party.

When law enforcement staff are called as witnesses in a criminal or civil case as a result of matters arising out of official duties, they are deemed to be performing duties and services for the City. When appearing in District Court during unscheduled duty hours, police officers will be paid overtime. The police officer must remit any witness fees to the City. The term "witness" includes "expert witness."

An employee who is personally interested in, or a party to a criminal or civil action, or who voluntarily appears as a witness must use vacation or compensatory time or take leave without pay.

VII. Benefits

7.17 Uniforms and City Apparel

In departments where uniforms are required, the City will provide uniforms for employees. Any replacement of uniforms will be at the discretion of the department head. Departments will keep a list of allowable uniform items and the process for which uniforms can be ordered.

Employees may choose to purchase City of West Fargo apparel through an approved vendor. They will then reimburse the city through the payroll process to cover the cost of the items.

7.20 Organization Membership

Membership in a professional organization is valuable to our employees, as well as to our organization. The City of West Fargo will pay 100 percent of annual membership fees required for an employee to belong to a job-related professional organization upon approval by the department head. The City will also pay 100 percent of the fees required for employees to maintain a professional designation that is directly related to their job. The City Administrator must approve, in writing, any exceptions to this policy.

The City also will pay 100 percent of the expenses associated with attending periodic meetings and seminars sponsored by professional organizations that directly relate to the employee's job. Employees seeking to attend such meetings must have department head approval before registering.

7.21 Travel

Time spent commuting from home to work or work to home is not compensable and is not considered travel time for the purposes of this section.

In-Town Travel and Personal Mileage Reimbursement

City employees who are considered mobile and have work assignments in the field are provided a City vehicle to use for City business under certain utilization thresholds. City employees who do not meet that threshold shall use their personal means of transportation. Mileage reimbursement requests shall be completed on a monthly cycle.

City employees are eligible for reimbursement of in-town mileage incurred using their personal vehicles if approved by their supervisor. Department heads and supervisors are responsible for monitoring mileage driven and reimbursements to their City employees. The rate of reimbursement shall be the rate in effect at the time of travel as determined by the IRS and shall be substantiated with a mileage log that shows the dates traveled, destination, and reason for in-town travel. Mileage log documentation shall be included with the travel reimbursement voucher at the time of payment request to capture an adequate level of substantiation.

No reimbursement shall be made for department heads, supervisors, or City employees for incidental in-town travel or commuting to and from work and their home. If reassigned because of a natural or other disaster from their normal working location, their new location shall be considered their place of work for commuting purposes.

Out-of-Town Travel Time during Normal Work Hours

The time exempt and non-exempt employees spend engaged in travel during their regularly scheduled work hours on any day of the week (including non-scheduled days) is treated as hours worked. This

travel time is paid at the employee's regular hourly rate of pay (or at the overtime rate if applicable based on hours worked). Compensable travel time includes any portion of authorized travel, such as airport layovers.

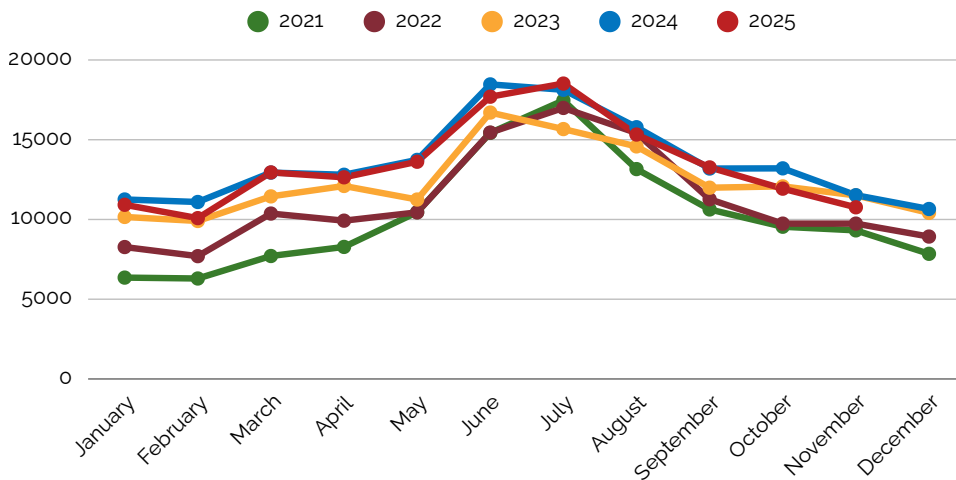
Out-of-Town Travel Time Outside of Normal Work Hours

The time exempt and non-exempt employees spend in travel outside of their regularly scheduled worked hours (including non-scheduled days) is only treated as hours worked if they are engaged as a driver or passenger in an automobile, plane or any other mode of transportation. This travel time is paid at the employee's regular hourly rate of pay (or overtime rate if applicable based on hours worked). Time spent on non-travel activities outside of the normal work hours (including non-scheduled days) is not compensable.

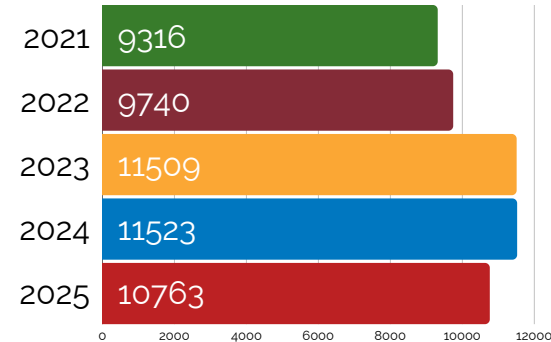
Employees whose travel plans have been approved are responsible for making their own travel arrangements. City vehicles should be used for travel if available. If a City vehicle is not available, mileage for use of personal vehicles will be compensated at the standard IRS rate.

Employees will be reimbursed for reasonable business travel expenses incurred while on City business or related activities away from the City, as allowed under NDCC 44-08-04. All travel must be pre-approved by the department head. To receive reimbursement, a travel reimbursement form must be completed by the employee and signed by the Department Head. The form is available from the Finance Office. Paperwork must be accompanied by required receipts and submitted in a timely manner.

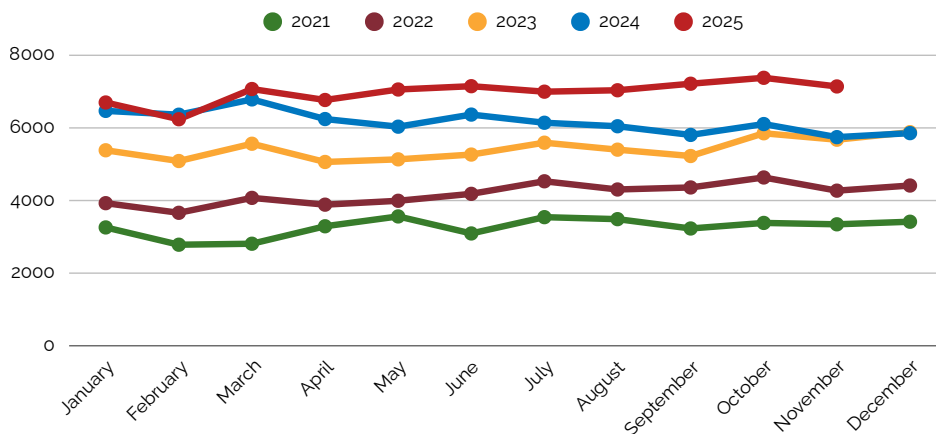
Physical Item Circulation - All Locations



November Circulation

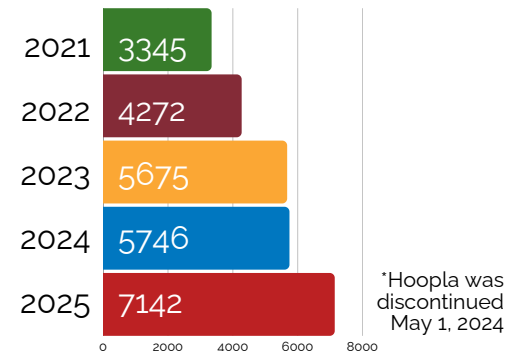


Electronic Materials Circulation

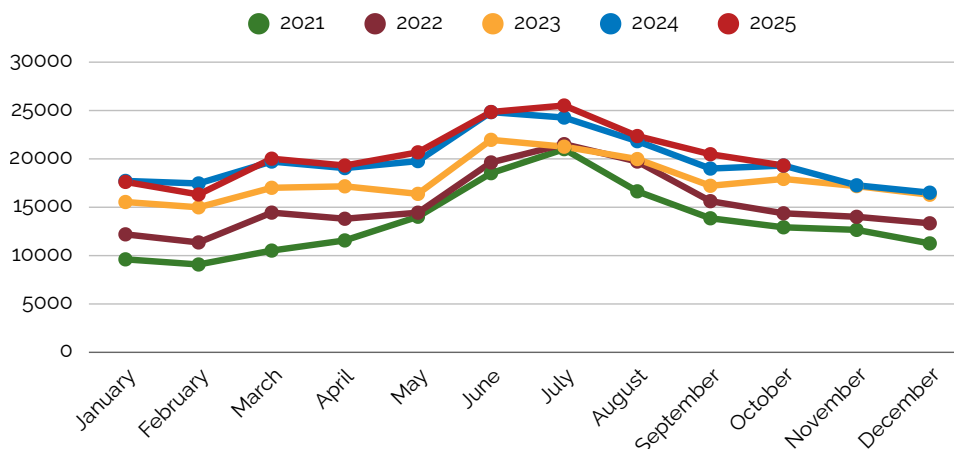


Nov. Circulation

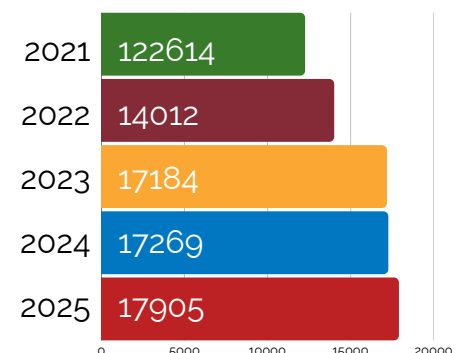
OverDrive/Libby & Hoopla*



Total Circulation

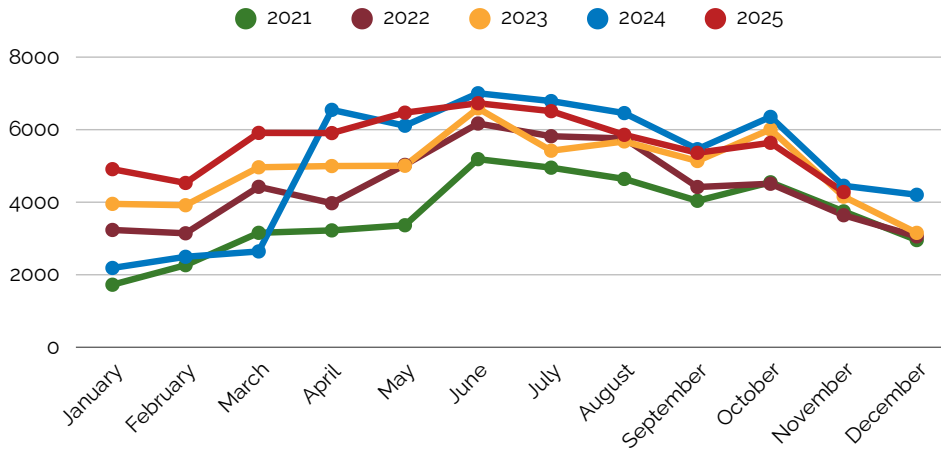


Nov. Total Circulation

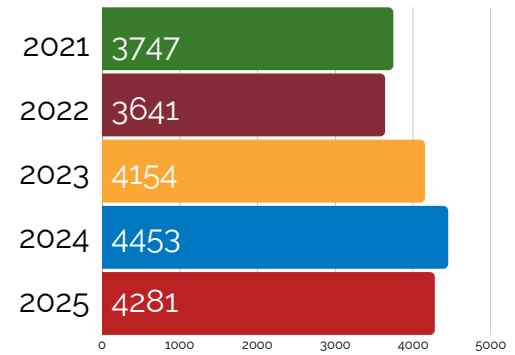


Door Count

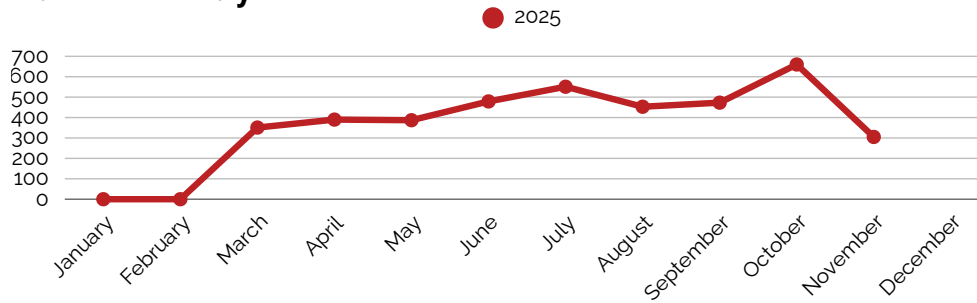
Main Library



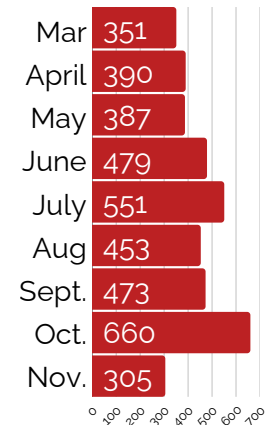
Nov. Main Door Count



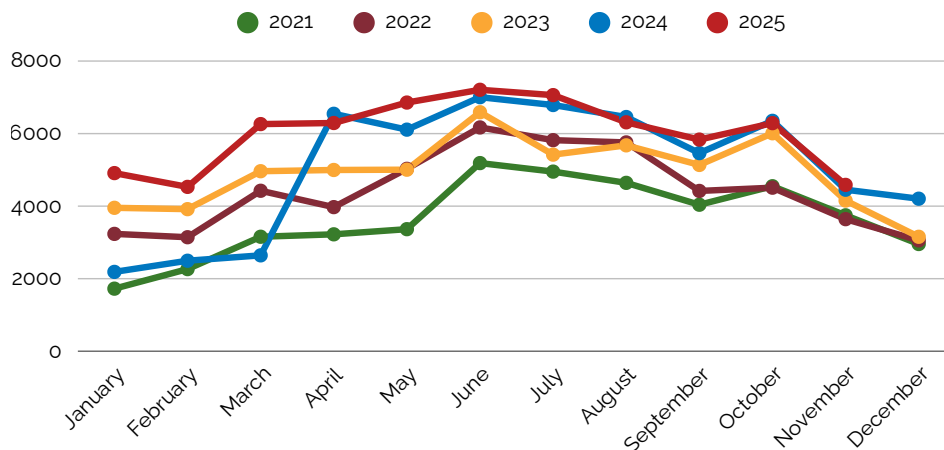
Satellite Library



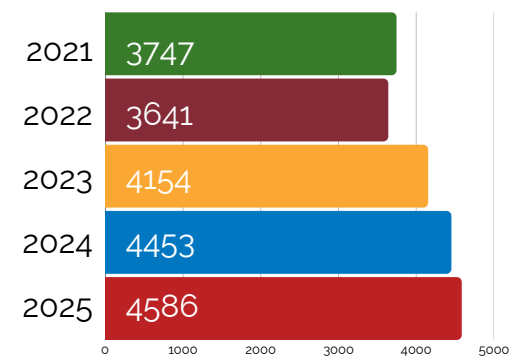
2025 Satellite Door Count



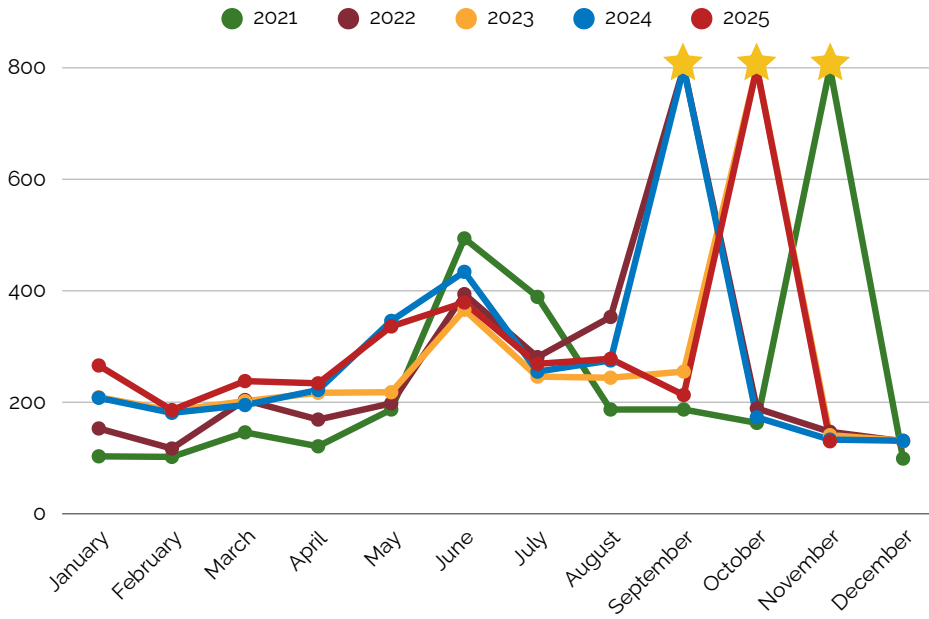
Total Door Count



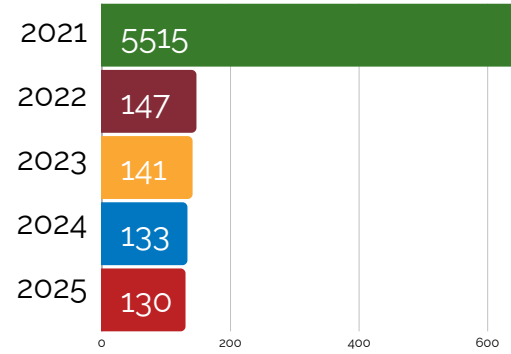
Nov. Total Door Count



Library Card Signups



Nov. Card Signups



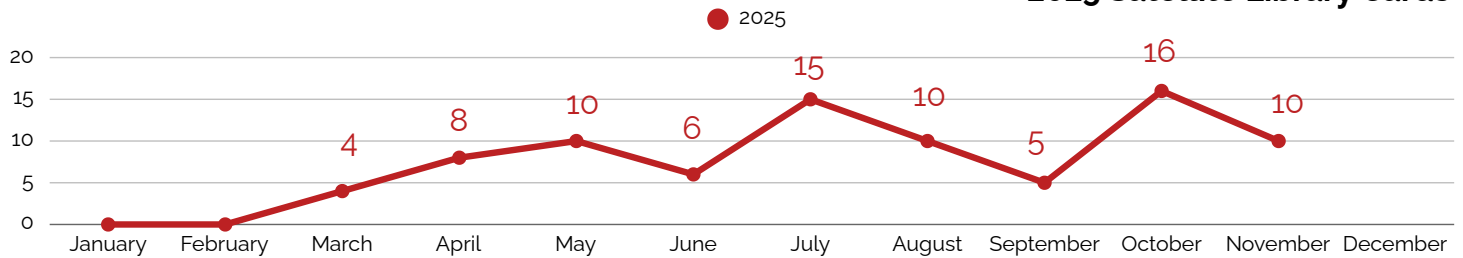
Nov. Active Library Cards - 15,760



In Nov. 2021, the WFPL added over 5000 library cards through a partnership with West Fargo Public Schools. This partnership continues, with additions occurring in Sept. 2022, Oct. 2023, Sept. 2024, and Oct. 2025.

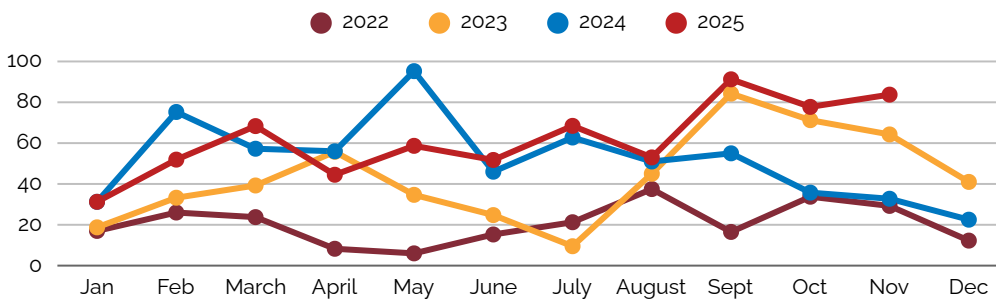
Library Card Signups at Satellite

2025 Satellite Library Cards



Meeting Room Usage - Both Locations

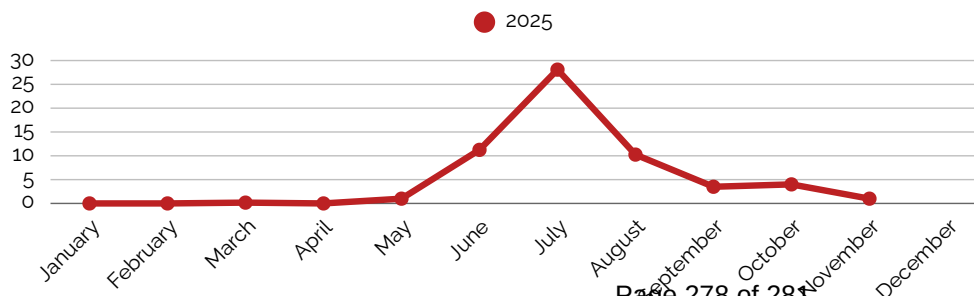
Meeting Room Hours Reserved - Main Library



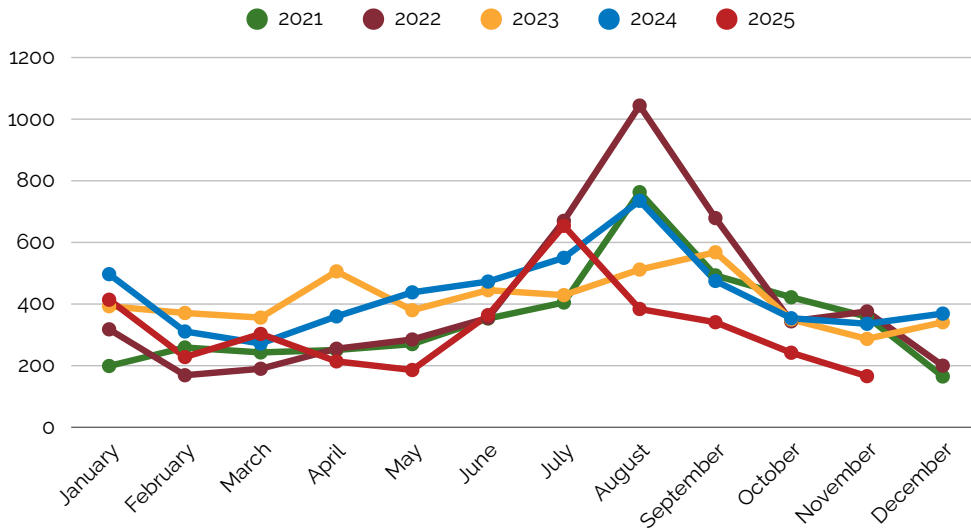
Total Meeting Room Use

Hours Reserved 84.75
 Hours Reserved YTD 726.47
 Total Reservations 36
 Satellite Reservations 1
 Reservations YTD 375

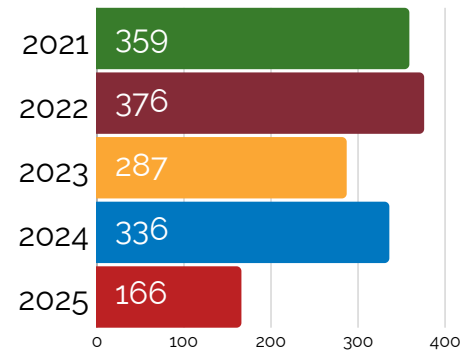
Meeting Room Hours Reserved - Satellite



Offsite Book Drop Usage



Nov. Offsite Book Drop Usage



Only reflects Cash Wise book drop as of March 2025.

Outreach Services

Monthly Outreach Circulation

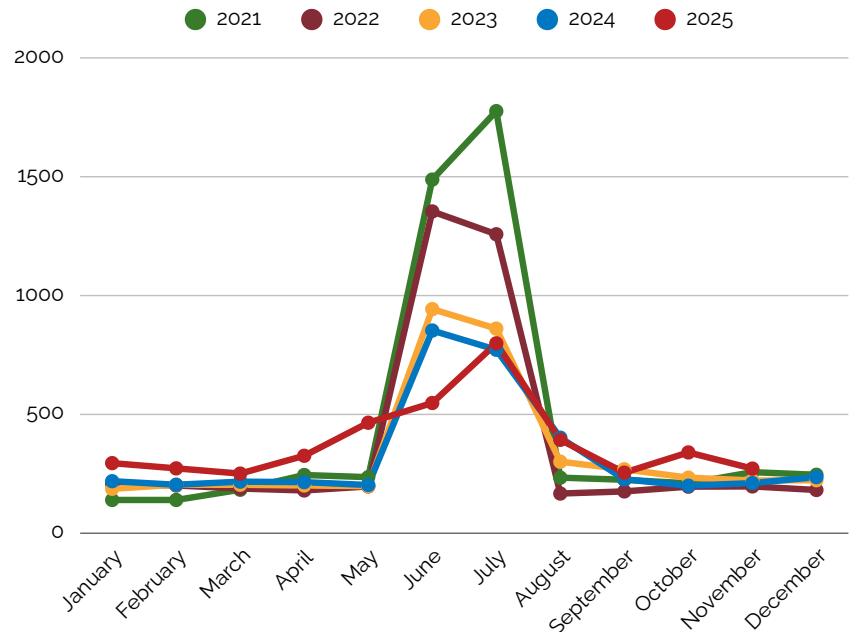
Total Monthly Circulation*

*This number includes senior book deliveries, daycare book deliveries and any books checked out from outreach pop-up libraries, (not Satellite).

2021	257
2022	197
2023	222
2024	211
2025	272

Outreach Deliveries and Item Circulation

Senior Living Locations Served	5
Senior Outreach Participants	19
Daycare Locations Served	6
Total Outreach Circulation	272



Outreach & Community Events Attendance

Library on Wheels stops (0 stops)	0
Other Outreach Events	50
Total Attendance	50

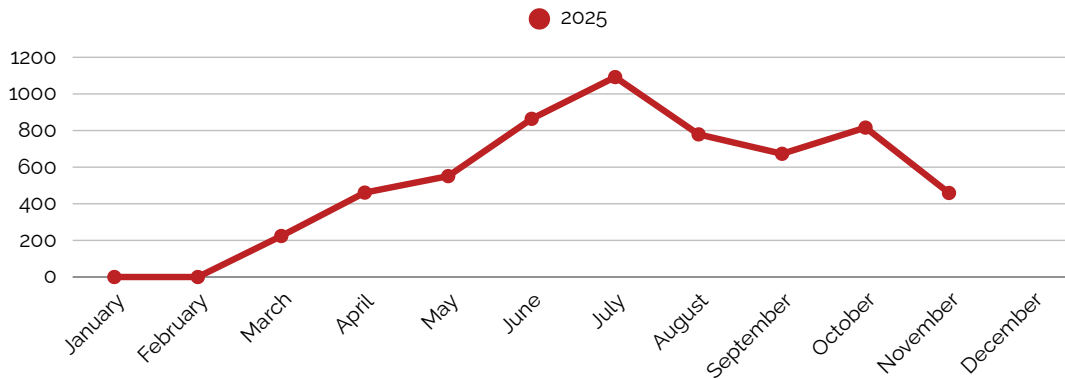
In November, 50 students from Trinity Elementary visited the Satellite Library at City Hall for a tour and to learn more about the Satellite Library and how to sign up for a library card.



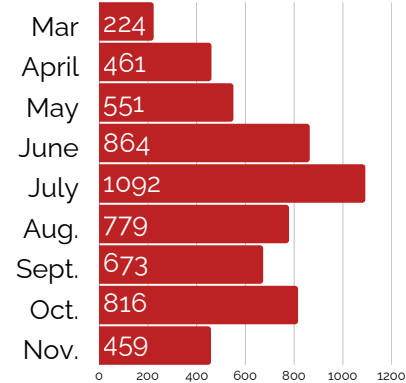
Other Satellite Library Stats

This section will be built out to better reflect usage trends when more comparison data is available.

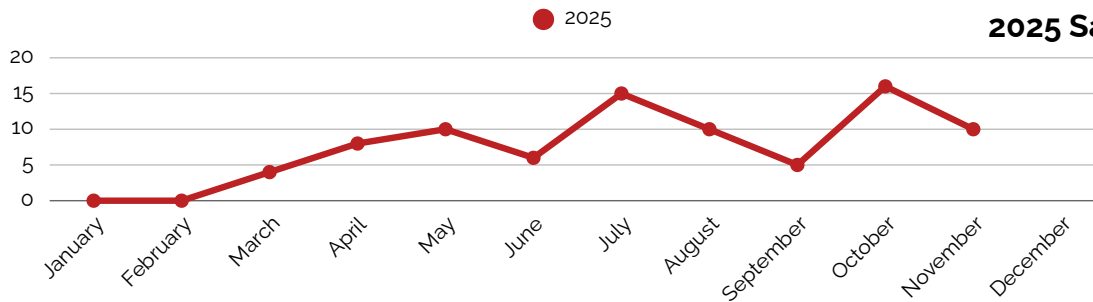
Physical Item Circulation at Satellite



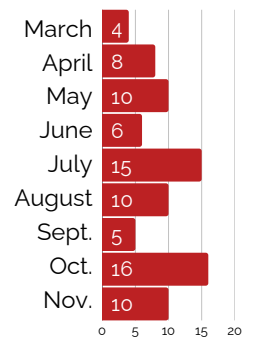
2025 Satellite Circulation



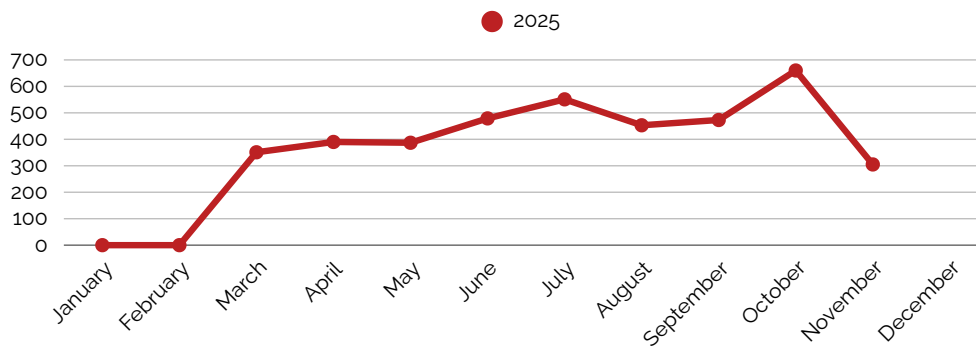
Library Card Signups at Satellite



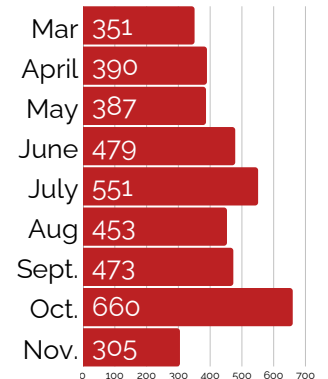
2025 Satellite New Library Cards



Door Count at Satellite



2025 Satellite Door Count



Programs

Program Attendance

Youth

Ready to Read Storytime	118
Baby Boost Storytime	113
Teeter Tots Storytime	147
Teen Events	7
STEM	9
Other Youth Events	11
Total Attendance	405

Adult

Book Clubs	40
Movie Screenings	100
Writing Circle	10
Other Clubs (Cribbage, D&D)	18
Other Events	44
Total Attendance	212

All-Ages

Fall Crafternoon	49
"Wicked" Fan Party	48
Open Play Legos & Games	28
Total Attendance	125

Reference Services

Technology Tutoring	1
Notary Public	4
Total Attendance	5

Reading & Activity Challenges

Winter Reading Challenge

Registrations 45

*(We opened registration early for this challenge.
Tracking did not begin until Dec. 1)*

Career Readiness Challenge (Ongoing)

Monthly New Registrations	1
YTD Registrations	26
Lifetime Registrations	78

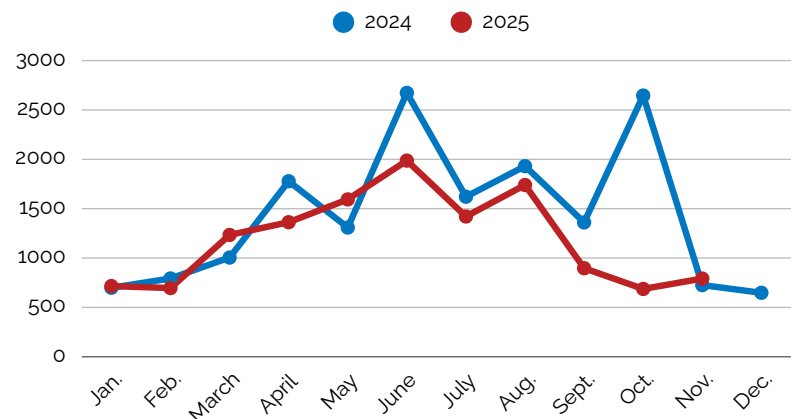
1000 Books Before Kindergarten (Ongoing)

Monthly New Registrations	1
YTD Registrations	80
Lifetime Registrations	802

Total program attendees

(in-library & outreach event attendance
in November 2025. This count does not include
reference services.)

792



The family Fall Crafternoon event was popular. The reserved Meeting Room quickly reached capacity, so some families took advantage of the "Friends Nook" in the hallway to work on their projects.