

Employment 1.01



Scope of Personnel Policies – Nature of Employment Relations

<i>Scope:</i>	Nature of Employment Relations	<i>Effective Date:</i>	11/02/06
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General Policy

It is the policy of the City of Marion that these personnel policies shall apply to all city employees except police and fire department employees, unless specifically stated otherwise. In the con-text of these personnel policies, the phrase "all employees" refers to all city employees except police and fire department employees. "Employees" shall include bargaining unit and non-bargaining unit employees, including full-time, part-time, seasonal and temporary employees, and shall also include the city manager and department heads, unless otherwise covered by his or her employment contract.

In case of conflict with a bargaining unit contract, the contract shall supersede these personnel policies of the city. In case of conflict with more specific departmental rules, departmental operational or safety rules shall supersede these personnel policies of the city.

In case of conflict with Chapter 400 of the Iowa Code (Civil Service) or any other statute, the statute shall supersede the personnel policies of the City.

Provisions:

- 1) Every city employee to whom these policies apply shall be provided with a copy of these Personnel Policies and any amendments as they are issued. Every applicable employee shall be required to sign a receipt for these policies. In addition, these policies shall be posted in a conspicuous place in each department.
- 2) These Personnel Policies are not intended to, and indeed do not, bestow any additional rights to employment or employment benefits to employees. These Personnel Policies do not constitute a part of an employment contract or legal document and may be changed unilaterally without notice.
- 3) For non-bargaining, non-Civil Service employees, or probationary Civil Service employees, the employment relationship with the City of Marion is voluntarily entered into and is subject to termination by the employee or the City at will, with or without cause, at any time. For such employees, employment with the City of Marion does not constitute a "property interest".
- 4) The City Manager (or in the case of the City Manager, the Mayor) may waive the provisions of these Personnel Policies if special circumstances so warrant.
- 5) These Personnel Policies do not apply to elected officials unless specifically stated otherwise.

Employment 1.02



Americans with Disabilities Act			
<i>Scope:</i>	All employees and all applicants for employment.	<i>Effective Date:</i>	11/02/06

General Policy
It is the policy of the City of Marion to comply with the Americans with Disabilities Act.

Provisions:
<ol style="list-style-type: none">1) Effective July 26, 1992, the City of Marion will comply with the applicable provisions of the Americans with Disabilities Act.2) Reasonable accommodations will be made for known qualified individuals who can perform the essential functions of a city position unless the same would cause undue hardship.3) The following are not considered disabilities under this policy: homosexuality, bi-sexuality, transvestites, transvestitism, trans-sexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, and other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, and psychoactive substance use disorders resulting from current illegal use of drugs.4) Qualified individuals must identify the particular disability claim and the nature of the accommodation needed at the time of accepting an offer of employment or within reasonable period of time of the onset of a disability.5) Reasonable accommodations will be determined by the city giving consideration to the preference of the employee or applicant. The city's preferred accommodations are as follows:<ol style="list-style-type: none">a. Unpaid leaveb. Part-time employmentc. Modified work scheduled. Job restructuringe. Transferf. Trainingg. Acquiring or modifying equipment and facilities6) The city shall on January 26, 1992, begin a self-evaluation of all services, programs, activities, policies, procedures and practices to determine what, if anything, does not comply with the Americans With Disabilities Act; and the evaluation shall be completed on or before January 26, 1993.7) On or before January 26, 1992, the city will make available to any interested person information that describes application of the rules governing non-discrimination on the basis of disability in services, programs or activities offered or provided by the city and apprise individuals of the protection against discrimination assured to them by the Americans with Disabilities Act.8) The City Manager shall be the city's agent to coordinate and carry out compliance efforts with the Americans with Disabilities Act.9) The City Manager shall develop and adopt a transition plan setting forth the actions the city must undertake and achieve compliance with the Americans with Disabilities Act on or before July 26, 1992, and shall provide prior to adoption a period for receipt of public comment.10) Reasonable accommodations will also be made for qualified individuals with respect to the provision of municipal services, provided that the accommodation does not constitute an undue burden. The accommodations will be based upon the particulars of the situation and may include but are not limited to home visitations and the provision of readers.

- 11) Any complaint that the city has not complied with the American with Disabilities Act (ADA) shall be reduced to writing by the complainant (assistance if required as an accommodation will be provided).
- a. The complaint shall include:
 - i. The name, address and phone number of the complainant.
 - ii. The concise statement as to the nature of the complainant's disability and the requested accommodation and/or the factual basis for a particular act of alleged discrimination.
 - iii. The complaint shall be mailed to the City Manager, 1100 8th Avenue, Marion, Iowa 52302, or hand delivered to said office.
 - b. Upon receipt of a complaint, the City Manager shall:
 - i. Maintain a separate file on each complaint and the action taken thereon.
 - ii. Meet with the complainant to informally discuss the complaint unless the City Manager determines that such a meeting would not be helpful in reaching his decision.
 - iii. Render a written decision on a complaint within fifteen (15) workdays unless the City Manager determines more time is needed for proper investigation or to obtain the assistance of experts or knowledgeable persons to properly determine the response of the complaint. If the City Manager determines that additional time is required, then he shall communicate that fact to the complainant along with an estimated time for his issuing a written response.
 - c. If the complainant is not satisfied with the response of the City Manager, the complainant may request in writing, a review of the complaint by the ADA Compliance Committee within fifteen (15) workdays of the issuance of the City Manager's response.
 - d. The ADA Compliance Committee shall be appointed by the Mayor and consist of:
 1. An attorney familiar with the provisions of the ADA but not otherwise regularly employed by the city.
 - i. A representative of the disabled community.
 - ii. A representative of the City Employee Assistance Provider.
 - e. The committee will select a chairperson, schedule its own meetings and establish procedures and rules for conducting hearings on complaints. The procedures and rules shall provide for fundamental due process but need not strictly adhere to the procedures or rules of evidence required by a Court of Law. All hearings shall be private non-public hearings unless the complainant waives in writing the confidentiality provisions of the ADA.
 - f. If the complainant or City Manager is not satisfied with the decision of the committee, either may appeal the decision to the City Council by requesting in writing a review of the decision by the City Council within fifteen (15) work days of issuance of the committee's decision.
 - g. The City Council shall provide the complainant with advance notice of the date of its hearing on the matter. Said notice shall not be less than four (4) days nor more than twenty (20) days prior to the date of hearing, unless the City Manager and complainant agree upon a specific date for the hearing. If a specific date is agreed to, then, notice need be provided other than a confirming letter from the City Manager.
 - h. The City Council will determine the rules of procedure in evidence for said hearing. The procedures and rules shall provide for fundamental due process but need not strictly adhere to the procedures or rules of evidence required by a Court of Law. The hearing will be a private hearing unless the complainant waives the confidentiality provisions of the ADA. The decision of the City Council shall be the city's final determination of the matter.
 - i. Any complaint that is by a complainant that is not a qualified person is defined in the ADA alleging an actual violation of the ADA which is personal to the complainant, shall be deemed to be finally resolved with the written response of the City Manager and shall not be reviewable by the committee or City Council.

Employment 1.03



Equal Employment Opportunity			
<i>Scope:</i>	All city employees and applicants for city positions.	<i>Effective Date:</i>	1/9/92

General Policy

It is the policy of the City of Marion to prohibit discrimination against any applicant, employee or citizen on the basis of that person's race, color, religion, sex, sexual preference, national origin, political affiliation, age, handicap or any other non-merit factor.

- Provisions:**
- 1) Equal employment opportunity will be assured for all city employees and applicants for city positions.
 - 2) The city manager is the equal employment opportunity officer for the city.
 - 3) Any employee or applicant who has a complaint regarding discrimination shall file a complaint in writing with the city manager within ten (10) calendar days of the alleged act of discrimination. The city manager shall respond within ten (10) calendar days of receipt of the complaint. Action taken by the city manager shall be the final administrative action by the City of Marion.

Employment 1.04



Recruitment/Selection/Promotion/Transfer			
<i>Scope:</i>	All applicants for full or part-time permanent positions and all employees of the City of Marion	<i>Effective Date:</i>	4/7/16

General Policy

It is the policy of the City of Marion that employee recruitment, selection, transfer and promotion will be based on the applicant's relative abilities, knowledge, and skills. A system of personnel administration based on merit principles will be maintained for all city employees and the same shall be consistent with the provisions of Chapter 400 of the Code of Iowa where applicable, and other state and federal laws, where applicable.

- Provisions - Recruitment Standard Operating Procedures:**
- 1) Provisions of the civil service law will apply to recruitment, selection, promotion and transfer regarding applicable positions. Provisions of the union contracts (if any) will apply to promotion and transfer of employees covered by such union contract.
 - 2) All hiring managers must contact Human Resources when hiring for a new or current position or for all reclassifications of a position is to occur. Requests must be sent to Human Resources to initiate the hiring process.
 - 3) For all non-bargaining and non-civil service positions, announcements of all vacant or newly created positions will be posted in a conspicuous place in each department for a period of at least five (5) working days. The announcements shall specify the title and minimum qualifications for the position, duties and salary range, and the date on which applications close.
 - 4) After posting internally, the hiring manager and human resources may determine the need to post externally based on the number of applications received. All positions will be posted on the City Hall bulletin and on the city website. External recruiting websites or other recruiting sources may be used at the discretion of the hiring manager and Human Resources based on the needs of the position and budget.
 - 5) Seasonal and temporary employees, including paid and unpaid interns, may apply as an internal employee and have the same privileges to promotions and transfers as all other permanent employees. Interns, temporary and seasonal employees have no "bid" rights or seniority.
 - 6) Applications are required and resumes may not be submitted in place of an application. Applications may be obtained via the city website or picked up at City Hall.

- Provisions - Selection:**
- 1) Job applications, promotion and transfer requests must be made in writing. Forms must be returned Human Resources by the closing date on the job announcements.
 - 2) All procedures established for selection purposes for non-bargaining and non-civil service positions will provide for the selection based on the relative ability, knowledge and skills of the applicant; without regard to an applicant's race, color, religion, sex, sexual preference, national origin, political affiliation, age, handicap, and other non-merit factors; for the protection of the applicant's privacy and constitutional rights; and for the equitable consideration of all applicants. Evaluations of applicants will be made on the basis of job-related criteria.

Employment 1.05



Civil Service Laws Impact/Testing Procedures

Scope:

All Civil Service employees

Effective Date:

11/20/08

General Policy

It is the policy of the City of Marion that its personnel rules shall not conflict with the Civil Service Laws of Iowa.

Provisions:

- 1) Appointments, promotions, demotions, terminations, suspensions, and seniority for Civil Service employees shall be governed by the Civil Service Laws of the State of Iowa as found in the latest edition of the Iowa Code.
- 2) If there exists a conflict between the personnel policies of the City of Marion and the Code of Iowa, the Iowa Code shall control.

Procedures for City of Marion Civil Service Testing

- A. Make written request to Civil Service Commission letting them know of vacant position. Commission meetings are the first Tuesday of each month.
- B. When the Civil Service Commission establishes a date for the examination, the department making the request shall organize the following steps to insure efficient testing process.
 1. Publicize vacancy on city department bulletin boards.
 2. Place notice in Cedar Rapids Corridor Careers and on the city website announcing the Civil Service examination. May also advertise position in appropriate professional websites. Job Service and other forms of advertisement and/or recruitment may also be utilized to announce Civil Service testing and position openings. Notices shall contain the following information:
 - a. Posting being tested for
 - b. Name, address and phone number of the City of Marion
 - c. Applications to be picked up and returned to the City Clerk's Office at City Hall
 - d. Deadline for submission of applications listing day, date and time for return
 - e. Current range of salary
 - f. Mention of other benefits
 - g. Educational requirements and preferences
 - h. Test administered: written, agility, oral interview, polygraph
 - i. If applicable, background investigations conducted.
 3. Job Description must be included with application for pick-up.
 4. Department head must secure an appropriate test and test site.
 5. Department head must secure appropriate equipment for testing to include pencils for written tests, extra scratch paper, etc.

Employment 1.06



Residency Requirements			
Scope:	All city employees	Effective Date:	6/23/16

General Policy
It is the policy of the City of Marion to allow its employees to live wherever they choose to live in the State of Iowa, while assuring that emergency personnel are readily available for duty.

- Provisions:**
- 1) City employees shall become residents of the State of Iowa at the time employment begins and shall remain residents of the state during employment.
The current city ordinance provides as follows: No city manager, department head, police officer, firefighter or public service employee subject to call for emergencies, shall reside outside the city limits of the City of Marion, unless the place of residence is within a radius of ten miles measured from the residence to the employee's departmental headquarters or is within 30 minutes driving time as per an approved on-line mapping service such as but not limited to Google Maps or Mapquest, as determined by the department head.
 - 2) All Paid-On-Call (volunteer) firefighters must reside in the city limits or within the Marion Township.
 - 3) This section shall not require an employee to move to be grounds for termination if the employee does not reside within the limits established by this section at the time this section becomes effective except that, should any such employee change his or her residence after the effective date of this section, the employee's new residence shall comply with the provisions of this section.
 - 4) Any newly hired employee who resides outside these limits at the time of hire shall, as a condition of continued employment, comply with this provision within six months of hiring or within six months of the completion of his or her probationary employment, if any, whichever event occurs last.
 - 5) Employees may seek prior approval to obtain a residence beyond the limits set forth in this section; and approvals may be granted with the unanimous agreement with the Mayor, City Manager, and affected department head provided the proposed residence will, nevertheless, be within a reasonable response time to the employee's department due to the peculiarities of the particular circumstances.
 - 6) The word "reside" or words "place of residence" as used in this section mean that dwelling or a place where an employee actually lives and from which the employee will normally depart to travel to his or her place of employment within the city. A home, dwelling, apartment owned or rented by an employee but not actually occupied by an employee during his or her customary hours of sleep shall not be considered to be the employee's place of residence.
 - 7) Any employee granted a temporary exception to the provisions of Section 3.25 of the Municipal Code prior to the passage of Ordinance No. 93-42 shall comply with Section 3.25 upon the expiration of the prior temporary exemption.
 - 8) Individual City departments that have departmental rules and regulations may adopt a rule or regulation governing residence requirements for it's critical employees that are more stringent than this section.

Employment 1.07

Employment Agreements			
<i>Scope:</i>	All department heads and City Manager.	<i>Effective Date:</i>	5/1/86

General Policy
It is the policy of the City of Marion to provide guidelines relating to employment agreements for Department Heads and City Manager.

Provisions:
<ol style="list-style-type: none"> 1) The City Manager is authorized to develop employment agreements with Department Heads on behalf of the City setting forth terms and conditions of the Department Head's employment, including compensation and termination, professional development and benefits and other appropriate provisions. Such employment agreement shall be submitted to City Council for approval prior to the employment or promotion of the Department Head. 2) In the case of the City Manager, the Mayor and City Attorney shall be authorized to develop the employment agreement, subject to approval by City Council. 3) In the case of the Library Director, the Personnel Committee of the Library Board shall develop the employment agreement, subject to the approval of the Library Board.

Employment 1.08

Nepotism			
<i>Scope:</i>	All city departments, except those covered by civil service.	<i>Effective Date:</i>	11/20/08

General Policy
It is the policy of the City of Marion to prohibit nepotism in the hiring, promotion, demotion, termination or other personnel actions pertaining to city employees, and to avoid the appearance of nepotism in personnel actions.

Provisions:
<p>1) No person shall be hired as a permanent full-time or part-time employee by a department of the City of Marion who has a mother, father, son, daughter, brother, sister, husband, wife, grandparent, grandchild, aunt, uncle, niece, nephew, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, step-daughter, stepbrother, stepsister, half brother or half sister currently employed in the same department. Departments are defined, for the purpose of this rule, as follows: Parks and Recreation, Public Service, Engineering, City Clerk, Planning and Development, Office of City Manager, Building Inspection and Library. Each Department listed shall include its respective divisions.</p> <p style="padding-left: 40px;">a. A department may hire a temporary or seasonal employee who has a relative listed in Paragraph 1 currently employed in the same department, provided there is no supervisory relationship involved.</p> <p>2) Departments covered by civil service shall follow Chapter 71 of the Code of Iowa.</p>

Employment 1.09



Working Hours			
<i>Scope:</i>	All non-bargaining city employees.	<i>Effective Date:</i>	11/02/06

General Policy
It is the policy of the City of Marion that employees shall be present and working during the work hours established for their department.

Provisions:
<ol style="list-style-type: none">1) Work hours for each department shall be set by the department head with consideration given to the nature of department business.2) Meal and rest periods shall be set by the department head for each department. For bargaining unit employees, meal and rest periods shall be consistent with appropriate bargaining unit agreements. The department head may set limits on where meal and rest periods may be taken for his/her department, subject to provisions of bargaining unit contracts, where applicable.3) City employees shall be present and working during department work hours unless the absence is excused.4) Full time employees that are also volunteer firefighters for the City of Marion in addition to their regular employment are excused from being present at their regular assignment when responding to a fire call. Said employees shall make all reasonable efforts to inform their supervisor of their leaving work to respond to a fire call and shall return to their regular assignment upon leaving the fire call if their regular assignment has not ended for that day. Said employees will receive their regular pay for the hours off work or the on-call compensation for a volunteer firefighter, whichever is larger.5) Each Department shall establish "critical work" which will require employees, when assigned to such work, to obtain permission from their supervisor prior to leaving work to respond to a fire call. Employees who are volunteer firefighters for cities other than Marion, must request permission from their supervisor prior to leaving and must use paid leave or leave without pay.

Employment 1.10



Harassment			
<i>Scope:</i>	All city employees and applicants for city positions.	<i>Effective Date:</i>	04/07/16

General Policy

It is the policy of the City to provide an environment free of harassment. Harassment is defined as behavior that creates an intimidating, hostile, or offensive working environment that is so pervasive that others' work performance is affected.

- Provisions:**
- 1) City employees shall not engage in any form of harassment of other city employees or applicants for city employment.
 - 2) Sexual Harassment is defined as welcome or unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of sexual nature and constitute harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - b. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual, or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.
 - 3) Sexual advances, requests for sexual favors and other verbal or physical conduct of asexual nature which are acceptable and unacceptable to the employees involved will not be tolerated on city premises, and may be the subject of disciplinary action.
 - 4) Harassment may take place in different forms and is not limited to sexual harassment. Other forms of harassment include verbal, non-verbal, or physical actions and/or contact.
 - a. Verbal harassment includes comments that are offensive, welcome, or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
 - b. Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.
 - 5) Any employee or applicant who feels that he/she has been a victim of harassment shall report the incident within five (5) working days in writing to his/her department head. The department head shall furnish Human Resources with a copy of the statement immediately. If an applicant or employee feels that he/she has been harassed by a department head, the incident shall be reported in writing to Human Resources within five (5) working days. Working days shall be construed as City Hall business days.
 - 6) Upon receipt of a complaint of harassment, human resources shall conduct an internal investigation regarding the complaint as soon as is reasonable under the circumstances, and if the complaint is substantiated, appropriate disciplinary action will be taken against the responsible employee. Human Resources may call upon legal assistance to conduct or assist in the internal investigation. The

disciplinary action may include an oral or written reprimand, suspension, or termination of employment. The complainant will be advised in writing of the disposition of the complaint within five (5) working days of the disposition. If a disposition cannot be made within sixty (60) days of the complaint the complainant will be so advised. The disposition by a department head may be appealed to human resources within ten (10) working days of disposition.

- 7) An employee who files a complaint under this policy shall not be made the subject of any retaliatory action by the person against whom the complaint is made or any other city employee. However, this paragraph shall not preclude disciplinary action for knowingly or intentionally filing a false report.
- 8) Applicants and employees are advised that this policy is in addition to any rights they may have under Chapter 601A of the Code of Iowa, or any federal statute.

Employment 1.11

Conflict of Interest			
<i>Scope:</i>	All city employees.	<i>Effective Date:</i>	07/01/88

General Policy

City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the City of Marion. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting city business.

- Provisions:**
- 1) City employees are subject to the provisions of Chapter 68B of the Iowa Code, and should familiarize themselves with this section. A copy of the statute is attached to these policies.
 - 2) City employees are prohibited from accepting any extraneous fee for work performed on behalf of the city.
 - 3) City employees are required to report all gifts in the manner provided in Chapter 68B of the Iowa Code. Gifts shall be defined in that Chapter and include all gifts to employees and their immediate family members as defined in said Chapter, whenever the gift exceeds \$15.00 in cumulative value in any one calendar day except that the receipt of food and beverage provided for immediate consumption in the presence of the donor need not be reported.
 - 4) Impartiality:**
 - 5) No city employee may grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to all citizens.
 - 6) City employees must refrain from securing special privilege or exemption for themselves or their relatives or friends beyond that which would be available to all citizens.
 - 7) Employees must not use privileged information for their own financial advantage or to provide friends and acquaintances with financial advantages or with information which could be used for financial advantages. Each employee is charged with the responsibility of insuring that he or she releases only information that should be made available to the general public.
 - 8) The provisions of Section 362.5 of the Iowa Code are applicable to city employees, and employees should familiarize themselves with this section and shall avoid violating the same. A copy of the statute is attached to these policies.
 - 9) No city employee shall request, use or permit the use of any publicly owned property, vehicle, equipment, labor, service or supplies (new, surplus, scrap or obsolete) for the personal convenience or advantage of the employee or any other person except for that use which is generally available to the public, or unless otherwise provided in the Personnel Policy Manual (see Section 3.7 regarding use of city vehicles).

Employment 1.12



Layoff & Recall

Scope:

All non-bargaining, non-Civil Service employees.

Effective Date:

11/02/06

General Policy

It is the policy of the City of Marion that in the event the city determines a reduction in the work force is necessary; employees shall be laid off according to current staffing priorities

Provisions:

- 1) Whenever the public interest may require a reduction of employees in any classification or grade due to curtailment of available work or lack of funds, the city may either:
 - a. Abolish the position and remove the employee from his/her classification, or
 - b. Reduce the number of employees in any classification by suspending the necessary number.
- 2) An employee on layoff shall notify the Human Resources Coordinator of any change of address to assure that notices will be sent to the employee's current address.
- 3) When it becomes feasible for the city to hire an employee in a position where a layoff has occurred within the previous twelve (12) months, the position shall first be offered to the employee who was laid off. If more than one layoff occurred in the previous twelve (12) months in a position, employees will be hired back according to their seniority prior to layoff.

Employment 1.13

ADA Grievances

<i>Scope:</i>	All city employees, residents of the City of Marion and users of city services and facilities and applicants for employment	<i>Effective Date:</i>	1/21/93
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General Policy

It is the policy of the City of Marion to prohibit discrimination on the basis of disability. It is also the policy of the City of Marion to afford citizens, service and facility users, and employees of the City of Marion and applicants for employment the opportunity to present grievances or complaints regarding access or alleged discrimination related to disabilities.

Provisions:

- 1) City employees shall not discriminate on the basis of disability against other city employees, applicants for city employment, residents of the City of Marion or users of city facilities or services.
- 2) Any employee, applicant for employment or individual using city services or facilities who has a complaint or grievance related to disabilities or the city's compliance with the American with Disabilities Act (ADA) shall report the incident in writing to the Human Resource Department. In the event the complainant is not able to submit the complaint in writing due to the complainant's disability, assistance in preparing the complaint shall be provided if required as an accommodation.
- 3) The written complaint shall include:
 - a. The name, address and phone number of the complainant.
 - b. A concise statement as to the nature of the complainant's disability and the requested accommodation and/or the factual basis for a particular act of alleged discrimination.
- 4) Upon receipt of the complaint, Human Resources shall:
 - a. Maintain a separate file on each complaint and the action taken thereon.
 - b. Meet with the complainant to informally discuss the complaint unless the City Manager determines that such a meeting would not be helpful in reaching a decision.
 - c. Render a written decision on a complaint within thirty (30) workdays unless the City Manager determines that more time is needed for proper investigation or to obtain the assistance of experts or knowledgeable persons to properly determine the response to the complaint. If the City Manager determines that additional time is required, then the complainant shall be notified along with an estimated time for issuing a written response.
- 5) If the complaint is not resolved to the satisfaction of the complainant by Human Resources and the City Manager, the complainant may forward in writing the complaint an ADA Compliance Committee. The ADA Compliance Committee will consist of the Mayor and one other City Council Member appointed by the Mayor, the City Attorney and two members of the City's ADA Advisory Committee appointed by the Mayor. The Committee will review the complaint and render a written decision within thirty days of notification of the appeal.
- 6) The ADA Compliance Committee will select a chairperson, schedule its own meetings and establish procedures and rules for conducting hearings on complaints. The procedures and rules shall provide for fundamental due process but need not strictly adhere to the procedures or rules of evidence required by a Court of Law. All hearings shall be private non-public hearings unless the complainant waives in writing the confidentiality provisions of ADA

Employment 1.13

- 7) If the complainant or City Manager is not satisfied with the decision of the committee, either may appeal the decision to the City Council by requesting in writing a review of the decision within fifteen (15) workdays of issuance of the committee's decision.
- 8) The City Council shall provide the complainant with advance notice of the date of its hearing on the matter. Said notice shall not be less than four (4) days nor more than twenty (20) days prior to the date of the hearing, unless the City Manager and complainant agreed upon a specific date for the hearing. If a specific date is agreed to, then, no notice need be provided other than a confirming letter from the City Manager.
- 9) The City Council will determine the rules of procedure in evidence for said hearing. The procedures and rules shall provide for fundamental due process, but need not strictly adhere to the procedures or rules of evidence required by a Court of law. The hearing will be a private hearing unless the complainant waives the confidentiality provisions of the ADA. The decision of the City Council shall be the City Council's final determination of the matter.
- 10) Any complaint that is by a complainant who is not a qualified person as defined in the ADA alleging an actual violation of the ADA which is not personal to the complainant, shall be deemed to be finally resolved with the written response of the City Manager and shall not be reviewable by the committee or City Council.
- 11) Complainants are advised that this policy is in addition to any rights they may have under federal and state law.