



Twin Falls City Council Agenda

Monday, October 29, 2018, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS: None
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Accounts Payable for October 18 thru 24, 2018.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the October 22, 2018, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve the October 22, 2018 Special City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
- 6) ITEMS OF CONSIDERATION
 - a) **PRESENTATION:** Recognition of Kortnie Kent's ICC Certifications.
By: Jarrold Bordi, Building Official
 - b) **PRESENTATION:** Presentation by Rick Thompson on potential improvements to Shoshone Falls/Dierkes Lake.
By: Rick Thompson, Citizen
 - c) **INFORMATIONAL:** Update on the current state of the recycling program and market.
By: Bill Baxter, Utility Services Supervisor/Finance Accountant
 - d) **ACTION ITEM:** Repeal of Employee Resolution No. 1897 and authorization to implement an Employee Handbook
By: Gretchen Scott, Director of Human Resources
- 7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E). c/o City of Twin Falls-Troy Vitek, Assistant City Engineer (Application PZ18-0056)

By: Jonathan Spendlove, Planning and Zoning Director

9) ADJOURNMENT TO EXECUTIVE SESSION:

- a) Executive Session 74-206(1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall
 - wait to be recognized by the Mayor or Chairman
 - approach the microphone/podium
 - state their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning and Zoning shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 4. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 5. A City Staff Report shall summarize the application and history of the request.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 8. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council or Planning & Zoning Commission, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor or Chairman may again establish time limits.
 9. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning and Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



**Twin Falls City Council
Minutes**

Monday, October 22, 2018, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Council Members Suzanne Hawkins, Chris Talkington, Greg Lanting, Christopher Reid & Ruth Pierce

Absent:

Staff Present: Deputy City Manager Brian Pike, City Attorney Fritz Wonderlich, Deputy City Attorney Shayne Nope, Planning & Zoning Director Jonathan Spendlove, Sergeant Justin Dimond, City Planner Steve O'Connor, Code Enforcement Coordinator Sean Standley, Airport Director Bill Carberry, Public Information Officer Joshua Palmer, Human Resource Director Gretchen Scott, Network Administrator Mike Plane, Finance Administrative Assistant Amy Luna

Mayor Barigar called the meeting to order at 05:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE:

Mayor Barigar invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS:

a) Rotary International World Polio Day

Mayor Barigar read and presented the Rotary International World Polio Day Proclamation.

4) GENERAL PUBLIC INPUT:

Citizen Mike Jones spoke on the water collection pond going in at 506 Grandview Dr. and asked the Council to look into the legalities of the building of this pond.

Mayor Barigar thanked Mr. Jones for the information.

5) CONSENT CALENDAR

MOTION: Council Member Reid moved to approve the Consent Calendar as presented. Vice Mayor Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

a) **ACTION ITEM:** Request to approve the Accounts Payable for October 11 thru October 17, 2018.

b) **ACTION ITEM:** Request to approve the October 15, 2018, City Council Minutes.

c) **ACTION ITEM:** Request to approve Findings of Fact and Conclusions of Law: Musser- Annexation.

d) **ACTION ITEM:** Request to hold the annual Voices Against Violence Candlelight Vigil on October 25, 2018.

6) ITEMS OF CONSIDERATION

a) **ACTION ITEM:** Request to approve the CH2M/Jacobs Yearly Contract Amendment.

Environmental Engineer Jason Brown requested the Council approve the CH2M/Jacobs Yearly Contract Amendment in the amount of \$3,155,869.00.

Discussion ensued on the following:

Council Member Talkington: Why was this contract not competitively bid?

City Attorney Wonderlich: Explained the statutes that allow this to be done this way.

MOTION: Council Member Hawkins moved to approve the CH2M/Jacobs Yearly Contract Amendment in the amount of \$3,155,869.00. Council Member Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- b) **ACTION ITEM:** Request to purchase Sludge Truck Chassis for Wastewater Treatment Plant using Wastewater Reserve Funds.

Environmental Engineer Jason Brown requested the purchase of a Sludge Truck Chassis for Wastewater Treatment Plant using Wastewater Reserve Funds in the amount of approximately \$130,000.00.

Discussion ensued on the following:

Council Member Hawkins: Why are we down a truck? Why is this one motion instead of bringing the bid back to the Council?

Vice Mayor Boyd: Asked about the previous bid amount.

MOTION: Council Member Lanting moved to put out a bid for a Sludge Truck Chassis for Wastewater Treatment Plant using Wastewater Reserve Funds and present the bids back to the Council. Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- c) **ACTION ITEM:** Request to approve Ordinance O-2018-019 for the purpose of annexing property located at 630 Hankins Road South. c/o Randall T Musser (app. PZ18-0045)
City Planner Steve O'Conner made a request to approve Ordinance O-2018-019 for the purpose of annexing property located at 630 Hankins Road South. c/o Randall T Musser (app. PZ18-0045).

MOTION: Vice Mayor Boyd moved to suspend the rules and place Ordinance 2018-019 on third and final reading by title only. Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION: Council Member Talkington moved to approve Ordinance O-2018-019 for the purpose of annexing property located at 630 Hankins Road South. c/o Randall T Musser (app. PZ18-0045). Council Member Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- d) **ACTION ITEM:** Request to add subsection (F) to Twin Falls City Code 8-7-5: Airport Traffic and Parking Regulations.
Code Enforcement Coordinator Sean Standley request to add subsection (F) to Twin Falls City Code 8-7-5: Airport Traffic & Parking Regulations.

Discussion ensued on the following:

Council Member Talkington: Commented in favor of this Code.

Council Member Hawkins: Are we going to being able to enforce this on the weekends? How does this work as far as ticketing a rental agency?

Mayor Barigar: Explained the ticketing of the vehicle belonging to the rental agencies.

Council Member Lanting: Possible that the previous code was more modeled after locations that have paid for parking?

Airport Director Carberry: Explained the desire to change the amount of the fine comes from an over site when the code was originally written.

Council Member Talkington: Explained the Airports desires for this code.

MOTION: Council Member Talkington moved to suspend the rules and place Ordinance 2018-021 on third and final reading by title only. Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION: Council Member Reid moved to approve Ordinance 2018-021. Council Member Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- e) **ACTION ITEM:** Request to ratify the City Manager and Human Resource Director's proposal to create a retention compensation program.

Human Resource Director Gretchen Scott requested to ratify the City Manager & Human Resource Director's proposal to create a retention compensation program.

Discussion ensued on the following:

Mayor Barigar: Thanked Director Scott for her work on this as well as the others involved.

Council Member Talkington: Spoke in support of this program.

Council Member Hawkins: Thanked Director Scott and spoke in favor of this program.

Council Member Lanting: What are the options for receiving this money?

Director Scott: PERSI Choice Plan Contribution, HSA Contribution, Cash Distribution (less taxes) & any combination of the three.

Council Member Lanting: Asked if these are tied, in any way, to their evaluations? Spoke in favor of this program. Thanked the group that was involved

MOTION: Council Member Reid moved to ratify the City Manager & Human Resource Director's proposal to create a retention compensation program. Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Citizen Terry Edwards: Spoke against the retention compensation program.

Citizen Mike Jones: Spoke against the retention compensation program.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT TO EXECUTIVE SESSION:

- a) Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

MOTION: Council Member Pierce moved to adjourn to Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. Council Member Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

The meeting adjourned at 06:19 PM.



Twin Falls City Council Minutes

Monday, October 22, 2018, 9:30

AM City Council Chambers
203 Main Avenue East- Twin Falls,
Idaho

****SPECIAL MEETING NOTICE****

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Council Members, Chris Talkington, Greg Lanting, Christopher Reid & Ruth Pierce, (Suzanne Hawkins joined late)

Absent:

Staff Present: Deputy City Managers Brian Pike, Human Resource's Director Gretchen Scott

Mayor Barig called the meeting to order at 09:30 AM. A quorum was present.

2) ADJOURNMENT TO EXECUTIVE SESSION:

- a) Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; and, Executive Session 74-206(1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

MOTION: Council Member Talkington moved to adjourn to Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; and, Executive Session 74-206(1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Vice Mayor Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

The meeting adjourned at 09:33 AM



Date: Monday, October 29, 2018
To: Honorable Mayor and City Council
From: Jarrod Bordi, Building Official

PRESENTATION

Request:

PRESENTATION: Recognition of Kortnie Kent's ICC Certifications.

Time Estimate:

Presentation should take approximately 5-10 minutes

Background:

Kortnie Kent was hired by the Twin Falls Building Safety Department on October 2nd, 2017 as a Building Inspector/Plans Examiner. Before Kortnie was hired on with the City, she served as an Housing Inspector with Idaho's Housing and Finance Association. While Kortnie's experience as an inspector with Idaho's Housing and Finance Association has definitely been valuable in her new role with the City, I believe she would admit that learning and navigating the International I-Codes has been very challenging.

Kortnie has recently obtained her B1, B2 and B3 ICC certifications. These exams consist of 2,000 pages of code book material, 9 hours of exam time and 220 questions. Kortnie passed all three of these exams in less than a year.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

N/A

Attachments:

None



Date: Monday, October 29, 2018
To: Honorable Mayor and City Council
From: Bill Baxter, Utility Services Supervisor/Finance Accountant

INFORMATIONAL

Request:

INFORMATIONAL: Update on the current state of the recycling program and market.

Time Estimate:

Presentation will take about 5 minutes. Staff will answer any questions, but is not planning any additional time given the information to be presented.

Background:

On March 12, 2018, Council approved a rate increase to the FY 2018 sanitation charges in order to provide funding for a cost sharing of recycling processing costs with PSI, up to \$100 per ton total cost. The decision also provided for the increased costs of sending recycling materials to the landfill if processing costs exceeded the \$100 per ton amount. With the FY 2019 budget, Council provided for an increase in the sanitation rates to cover up to \$175 per ton maximum processing costs during the year. This report is simply to provide an update on the recycling process through the final months of FY 2018, and into the first month of FY 2019.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

City staff is committed to sharing the process that is occurring, and any changes in the recycling procedures and market conditions which either have occurred or are anticipated, for Council's information. This item is strictly informational.

Attachments:

None



Date: Monday, October 29, 2018
To: Honorable Mayor and City Council
From: Gretchen Scott, Director of Human Resources

ACTION ITEM

Request:

ACTION ITEM: Repeal of Employee Resolution No. 1897 and authorization to implement an Employee Handbook

Time Estimate:

Approximately 15 minutes to review the information and respond to any questions

Background:

Handbooks, Policy Manuals or in our case the Employee Resolution are all written with the same intent; they are an essential tool for employers to outline the policies for employment practices in the workplace. These established policies govern the employment relationship, thereby limiting the possibility of unintended application of laws or other policies in a manner that could harm the interests of both the employer and the employee.

They provide consistency in the administration of personnel functions as employees and supervisors change from year to year. A handbook serves as a resource where employees can receive clarification of the nature of benefits and responsibilities as part of a public organization. It ensures good communication and conveys intent when supervisors and employees are working to understand the policy.

ICRMP recommends that cities authorize the creation of a handbook which coordinates with department policies, is easy to edit and identifies procedural steps to change contents as well as who is authorized to make changes.

Twin Falls has adopted a personnel policy by resolution and has done so for many, many, years. As a result format changes have been difficult to make and the document isn't current in many places. As an example; the resolution does not include a Workplace Violence policy or how to report a threat, it does not describe a Workplace Safety program, and it references policies which we have worked with employees to change significantly such as Certification Pay. We also have policies which have been distributed by either written memos or more recently email but never included in the employee resolution, such as a 1991 memo from former City Manager Tom Courtney outlining the policy for exempt leave and time tracking or an email from Travis authorizing Twin Falls Public Library access for city employees.

In August I held employee meetings to share why we were proposing this change and to encourage employee participation in the discussion. In addition, Travis, Brian, and Mitch have been conducting their annual department meetings and have also been talking to smaller groups about this topic. On September 21st I sent an e-mail to all employees sharing that I would be coming to the city council

tonight asking that you consider this change. Overall, we believe there to be strong employee understanding of why we are proposing this change and support for the direction.

Approval Process:

A majority vote of the City Council

Budget Impact:

N/A

Regulatory Impact:

None

History:

N/A

Analysis:

N/A

Conclusion:

Providing an employee handbook that is current and comprehensive is a vital part of communicating with our employees. We have neglected to update and keep relevant a document which should be used frequently by all city employees to answer simple employment questions and find information for benefits, rights, and responsibilities. By authorizing a handbook and moving away from adoption by resolution we will be able to maintain a document that provides critical information for everyone. I would request that the council move to repeal Employee Resolution NO. 1897 and approve the resolution presented.

Attachments:

1. City of Twin Falls Employee Resolution, Track Changes
2. Twin Falls Employee Handbook OCT 29 2018
3. RESOLUTION NO 2018-012 Repeal of NO 1897

EMPLOYEE RESOLUTION NO. 1897EMPLOYEE HANDBOOK

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RESOLUTION NO. 1897

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS PROVIDING GENERAL TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES OF THE CITY.

SECTION I - GENERAL PROVISIONS

1. Purpose

The provisions of this ~~resolution~~handbook establish, in general terms, the conditions of employment for employees of the City of Twin Falls. All prior resolutions providing general terms and conditions of employment for employees of the City of Twin Falls, as well as all other employee handbooks, are repealed and declared null and void.

2. Authority

The City of Twin Falls is governed by the Council/Manager form of government, combining the political leadership of seven elected officials with the administrative guidance of a City Manager. The City Council is the general policymaker for the City of Twin Falls and as such has primary authority to establish terms and conditions of employment.

3. Rules and Regulations

This ~~resolution~~handbook is not intended to be an exclusive source of rules and regulations concerning employment. State and federal law, association contracts and individual departments also set forth rules, policies and procedures. Subject to the concurrence of the City Manager, department heads have the authority to develop departmental rules and regulations which meet the unique operating conditions of their department as long as the rules do not conflict with the general terms and conditions of employment outlined in this ~~resolution~~handbook. If sections of this ~~resolution~~handbook conflict with provisions of the collective bargaining agreement with the Twin Falls Firefighter's Association, the provisions of the collective bargaining agreement shall prevail for those employees covered by the Agreement.

4. Changes

Provisions outlined within this ~~resolution~~handbook are established as guidelines only and should not be construed as an employment contract. Depending upon overall policy direction, cost and funding, the City reserves the right to change policies, rules, benefits and other conditions of employment as deemed appropriate.

5. Nature of Employment

All persons employed by the City are employed at the discretion of the City Manager and/or City Council and shall have no right to continued employment or benefits, except as may be agreed in writing and expressly approved by the City Council, subject to the rights and privileges set forth in

this ~~Resolution~~handbook. Nothing herein shall be deemed or construed to grant any employee any right or expectation of continued employment. The City Manager is the administrative head of city government, under the direction of the Council, and has general supervision over the business of the City. Idaho Code § 50-811.

SECTION II - GENERAL EMPLOYMENT POLICY

1. Equal Employment Opportunity

It is the policy of the City of Twin Falls to implement, affirmatively, equal opportunity to all qualified employees and applicants for employment without regard to race, color, national origin, gender, age, disability, religious affiliation or sexual orientation. Positive action shall be taken to insure the fulfillment of this policy in areas of solicitation for employment, hiring, training, transfer, promotion, treatment during employment and compensation.

2. Hiring Procedures

Each Department shall adhere to the general hiring procedures established by the City. Specific departmental requirements shall be administered as necessary.

3. Harassment

A. Statement of Purpose

In compliance with the intent and provisions of Title VII of the Civil Rights Act which declares that harassment, including sexual and all other types of harassment, constitutes unlawful employment discrimination, the City of Twin Falls has adopted a zero tolerance policy that will not tolerate harassment, as defined herein.

B. Policy

Harassment of an applicant for employment, an employee or member of the public, by any employee of the City of Twin Falls on the basis of age, gender, race, color, religion, national origin, disability, or sexual orientation may be in violation of Federal, State and/or local law and will not be tolerated by the City.

All employees, regardless of their status of employment, have a right to work in an environment free from intimidation, ridicule, or harassment based on age, gender, race, color, religion, national origin, disability or sexual orientation.

This policy shall apply to all terms and conditions of employment, including but not limited to, hiring, placement, training, transfer, promotion, disciplinary action, compensation, and job retention.

All City employees must avoid offensive or inappropriate behavior at work and will be held responsible for insuring that the work place is free from unlawful harassment, including sexual and all other types of harassment.

C. Definitions

Sexual Harassment, by law, is any behavior of a sexual nature which is unwelcome, not asked

for, and not returned. The behavior can be verbal, non-verbal, or physical. Sexual harassment takes its definition from two types of conduct:

- (1) "Quid Pro Quo" involves implicit or explicit requests for sexual favors that are used as a condition or basis for employment decisions.
- (2) "Hostile Work Environment" has the purpose or effect of unreasonably interfering with the employee's work performance or which creates an intimidating, hostile or offensive work environment. This behavior includes but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

Other Harassment means ethnic slurs, racial jokes, verbal/physical abuse or other offensive or persistently annoying conduct directed at someone's race, color, national origin, age, religious beliefs, ethnic background, disability or sexual orientation which:

- (1) Has the purpose or effect of creating an intimidating or hostile environment; or,
- (2) Unreasonably interferes with an individual's work performance; or,
- (3) Otherwise adversely affects an individual's employment opportunities.

Harassment shall also include any act of retaliation taken against any person bringing a complaint of harassment, assisting another person, or participating in an investigation of an act of unlawful employment discrimination.

D. Procedure

Since the passage of time may make investigations and resolution of issues more difficult, persons who believe that they have been subjected to any form of harassment are encouraged to bring these complaints to the attention of the Administration at the earliest opportunity.

Any person who believes that he/she has been subjected to harassment may bring this complaint, either verbally or in writing, to a supervisor, a department head, the Human Resources Director, the City Manager or the City Attorney. Any supervisor or department head receiving a complaint of harassment shall bring this complaint immediately to the attention of the Human Resources Director.

An investigation shall be conducted by the City Attorney and the Human Resources Director- to determine the facts of the matter. Complaints of harassment will be investigated as expeditiously and professionally as possible in the interest of maintaining confidentiality and protecting the integrity of all parties involved.

Where investigations confirm the allegations, appropriate corrective action will be taken. An

employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

4. Drug Free Workplace Policy

A. Statement of Purpose

The City of Twin Falls is committed to providing and maintaining a drug free workplace for a safe, healthful and efficient working environment for all of its employees, customers and the general public.

B. Policy

The following policy is designed to set forth policies and procedures to comply with the Drug Free Workplace Act of 1988, Idaho Code § 72-1701, et.seq. and, as required, the rules and regulations promulgated by Department of Transportation (D.O.T.) 49 CFR Part 40 and 382 Rules and Regulations. In keeping with the City's objective to provide a safer and more productive work environment, all employees, prospective employees and candidates for reserve police officer are subject to the conditions and terms of this policy.

While on the job or performing official duties, employees are expected to be in a mental and physical condition which enables safe and efficient job performance. Reporting to work while impaired by alcohol or a controlled substance is strictly prohibited. "Impaired" means under the influence of a substance such that the employee's senses (i.e. sight, hearing, reflex, or judgment) are affected.

The presence of a controlled substance or alcohol which exceeds established D.O.T. standards in an employee's system at the time of a test will constitute a separate and independent violation of this policy.

The consumption of alcohol and the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including, but not limited to marijuana, cocaine, PCP, opiates, and amphetamines, while on the job or while performing official duties, is strictly prohibited. The consumption of alcohol at social functions during non-working hours is excluded from this section. **EXCEPTION:** Law Enforcement and Fire personnel are occasionally required to come into contact with or possess illegal substances as a regular part of their job duties. In such circumstances, these employees are exempt from the "possession" component of this policy. All other prohibitions apply.

Employees are encouraged to exercise extreme caution in the use of lawfully prescribed or over-the-counter medications, particularly those which contain a **WARNING LABEL** stating that the

use of the drug may impair their ability to safely operate equipment or machinery. Employees may be allowed to work while using such medication when the drug is prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties and who has advised the employee that the prescribed drug will not adversely affect his/her ability to safely perform their job. Further, these medications should only be taken by those persons for whom they were prescribed and only for specific treatment purposes at that time.

Any employee who is required to drive as part of his/her job duties must notify the Human Resources Department of any alcohol or drug related traffic violation which results in restrictions being imposed by law on the employee's driving privilege. Loss of an employee's driving privilege, which is required for his/her position, may be grounds for termination—depending upon the specific circumstances.

C. Implementation

Required Testing

The Drug Free Workplace Policy is not intended to violate individual rights. It is intended to meet the City's objective of safeguarding employees and the public from accidents resulting from the misuse of alcohol or use of controlled substances. Substance testing will be required under the following circumstances:

1) Pre-Employment

Applicants selected for employment with the City of Twin Falls for any position deemed safety sensitive or requiring a Commercial Drivers License (C.D.L.) must test free of illegal drugs. Failure to do so will automatically revoke the applicant's conditional offer of employment, as well as disqualify him/her from the application process for a minimum of one year, without proof of successful completion of an approved drug/alcohol rehabilitation program.

2) Reasonable Cause

An employee will be required to submit to a drug and/or alcohol test when there is reasonable cause to believe that the employee is under the influence of illegal drugs or alcohol or the abuse of prescription medication. Reasonable cause must be based on objective criteria, including specific physical, behavioral or performance indicators. Third party observations and reports, alone, will not constitute reasonable cause. A second witness, who is a trained supervisor, shall observe and/or concur to make the decision to test. This second witness could be the City Manager, City Attorney, Human Resources Director, another Department Head or on-duty Patrol Supervisor. Testing will only be administered after review and concurrence that reasonable cause exists. An employee who is tested for reasonable cause will be placed on paid

administrative leave until the drug and/or alcohol test results are received. The employee's supervisor shall see that the employee is taken home.

3) Post-Accident

An employee who is involved in a work related accident shall be required to submit to a drug and/or alcohol screen as soon as possible (within two hours) when **all** of the following conditions exist:

- *Involvement in an accident resulting in an injury to person or property;
- *An accident while operating motorized equipment, discharge of a firearm or act of physical aggression (police actions which occur during the course of an arrest are exempt unless otherwise requested by the on-duty supervisor); AND
- *Occurrence while in the course and scope of his/her employment.

An employee tested for post-accident is presumed to be drug and/or alcohol free and may report back to work following his/her submission to a drug test unless the supervisor has reason to believe that the employee is under the influence as described (b) above.

4) Random

Employees in Safety Sensitive Positions

All regular and part-time City employees who hold positions deemed as safety sensitive are subject to random drug testing. Employee names will be placed in a pool and each quarter a computerized selection process will be utilized to select employees for testing.

CDL

All employees who are required to hold a Commercial Drivers License as a function of their position must comply with D.O.T. requirements which include pre-employment, reasonable cause, post accident and random drug and alcohol testing. This requirement must be separate from any other random drug testing program.

5) Narcotic Assignment

Any personnel assigned to the Lab, Evidence or Narcotic Division, may be required to submit to a periodic drug test as requested by the Chief of Police or his/her designee.

6) Return to Duty/Follow-up

An employee who participates in a substance abuse treatment program as a result of a self referral or disciplinary action will, at a minimum, be required to submit to random drug/alcohol testing for a minimum period of one year as a condition of continued employment. Costs associated with testing will be at the employee's expense.

D. Violations of this Policy

Any of the following situations shall be considered violations of this policy and grounds for disciplinary action, up to and including termination.

- *Refusal to submit to a required drug and/or alcohol test;
- *Adulteration or substitution of a sample supplied;
- *A confirmed positive drug test and/or positive alcohol test;
- *Failure to notify the supervisor of a work related accident;
- *Failure of a person who is required to drive as part of their duties to notify the Human Resources Department of their loss of, or restrictions to, driving privileges as a result of any alcohol or drug related traffic violation;
- *Any conviction for the use, manufacture, purchase, possession, or distribution of illegal drugs.

E. Positive Test

Any prospective employee who tests positive for the presence of illegal drugs will not be offered employment with the City. Any introductory (within first 12 months of employment), temporary or seasonal employee who tests positive for the presence of illegal drugs or alcohol will be terminated.

Any regular or part-time employee (as defined by the City's Personnel Rules and Regulations) who tests positive for illegal drugs or alcohol, will be subject to disciplinary action, up to and including termination. If employment is continued, the employee will be referred to the Employee Assistance Program (EAP) for evaluation, counseling and treatment as recommended. Employees undergoing drug or alcohol rehabilitation will be expected to do so at their own expense (other than those expenses covered by the City insurance program) and on their own time. The employee may, at the discretion of the employer, be subject to other conditions of employment that will be specified in a "return to work agreement." This agreement will contain:

- *A requirement to have a negative test for drugs/and/or alcohol prior to the employee's return to work;
- *Recommendations for treatment, if any;
- *A plan for random/periodic controlled substance/alcohol testing to be completed for a period of time not to exceed 60 months;
- *A signed agreement from the employee stipulating to his/her commitment to the outlined plan and that he/she will not use controlled substances or misuse alcohol;

In the event the employee receives a second positive test for illegal drugs or alcohol, the employee will be terminated.

Employees disciplined for violations of this policy shall have the right to request a disciplinary appeal hearing as established in Section III (3) (B) of the [Personnel Resolution handbook](#).

F. Testing Procedures

- 1) Occupational Health at St. Luke's Magic Valley Regional Medical Center (MVRMC) is the third-party administrator for the City of Twin Falls' Drug Free Workplace program.
- 2) All individuals who are required to be tested under the conditions of this policy will report to Occupational Health, 775 Pole Line Road West (8 a.m. to 8 p.m. Monday – Friday) or to St. Luke's Magic Valley Regional Medical Center laboratory (after hours, weekends or holidays) for purposes of providing appropriate samples. Other collection sites may be designated as the need arises. Positive photo identification shall be required from each individual prior to test administration.
- 3) The actual analysis of all samples will be conducted by MVRMC and/or a Substance Abuse and Mental Health Services Administration (SAMHSA) approved lab.
- 4) All sample collection activity and drug/alcohol cut-off levels will be consistent with requirements established by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, formerly NIDA, and to also assure the validity, confidentiality and security of the samples and test results.
- 5) St. Luke's MVRMC will designate a Medical Review Officer (MRO), or his designee, to interpret, evaluate and monitor the drug testing program and results. The MRO will be a licensed physician with knowledge of drugs, testing methods and drug abuse disorders.
- 6) Negative Results – The Chain of Custody Form is reviewed for completeness and accuracy, then the results are reported to the City's Human Resources Department.
- 7) Positive Results – Before a positive result is reported to the City, the individual is contacted by the MRO so that he/she may determine whether a legally prescribed medication resulted in a positive drug test. It is the employee's obligation to be available to the physician so the situation can be discussed.

If the individual does not agree with the MRO ruling, he/she has the right to request that the "split specimen" be sent to a second lab for analysis. This request must be made within 72 hours after the MRO first contacts the individual. The individual agrees to pay the cost of retesting and MRO review. If the retest is negative, the City will reimburse the individual for any lost wages, benefits and reasonable expenses resulting from the initial verified positive test.

G. Self Referral

Any employee of the City who considers himself/herself drug or alcohol dependent and who voluntarily comes forward will be referred to an Employee Assistance Program counselor for evaluation, counseling and treatment as recommended. By returning to work the employee agrees to the terms outlined by the Substance Abuse Counselor. A request for rehabilitation may not be made in order to avoid taking a drug or alcohol test when requested to do so under the terms of this policy.

H. Education

Supervisors and other management personnel will receive education that provides training in the detection of the signs and behavior of employees who may be using drugs or alcohol in violation of this policy.

I. Confidentiality

All test results will be maintained in a manner which assures the confidentiality of the test results. All test results will be maintained by the Human Resources Director and access will be limited to the employee's supervisor or as otherwise required under Part 382.301. Test results will be made available to other parties only upon specific written consent of the individual tested and to those persons who may be directly involved in any disciplinary appeal procedure.

5. Nepotism

No person shall be employed by the City of Twin Falls when said employment would result in a violation of provisions found in Idaho Code §59-701 et seq., §18-1359 or their successors. Any such appointment may be void. An employee whose relative is subsequently elected may be eligible to retain his/her position as allowed in Idaho Code §18-1359.

It is the policy of the City to avoid the hiring, transfer, or promotion of relatives of employees into situations where the possibility of favoritism or conflicts of interest might exist. The following rules shall apply to the employment of relatives of City employees. For purposes of this

~~resolution~~handbook, "relative" shall mean any person related by either blood or marriage within the second degree. Second degree shall be defined as grandparents, parents, children, brothers or sisters.

No person shall become employed in a department or division of a department where a related employee serves in a supervisory capacity over the other related employee.

If employees working in the same department or division become married to each other and one has supervisory responsibilities over the other, one of the two employees may either apply for a transfer

to another department or division if an opening exists for which they are qualified or must resign employment with the City. If neither such employee elects to resign, both employees shall be terminated from employment.

6. Criminal Action

Any employee of the City who is charged with a felony or charged with a misdemeanor involving moral turpitude, and the evidence indicates involvement of the employee, the employee may be suspended without pay pending final resolution of the matter. If the employee admits to the crime, enters a plea of guilty, or there is a finding of guilt, whether judgment is withheld or not, or if the preponderance of the evidence indicates that the employee committed or was involved in the commission of felony or in the commission of a misdemeanor involving moral turpitude, the employee may be terminated. Moral turpitude is defined as baseness, vileness, or depravity in the private and social duties which a person owes to his/her fellow person or to society in general; something immoral in itself, irrespective of the fact that it is punished by law.

7. Residency

Employees of the City of Twin Falls are not required to reside within the City limits. Employees providing an essential emergency service may be required to live within a reasonable response time of the City limits as determined by the department head and specified in subsequent sections of this [Resolutionhandbook](#).

8. Other Employment

Employees of the City of Twin Falls may work a second job as long as the second job does not interfere with their performance as an employee of the City, create a conflict of interest or negatively impact the credibility of the City in any way. Prior approval may be required as specified within departmental policies.

SECTION III - STATUS OF EMPLOYMENT

1. Type of Employee

Except as otherwise provided by this Policy, required by law, or pursuant to a written contract approved by the City Council, employees of the City of Twin Falls are at-will employees and fall into one of five classifications.

A. Regular

Any employee, who works at least 40 hours per week, has completed an introductory period and is in a position which is expected to continue for an indefinite period in the foreseeable future.

B. Part-Time

Any employee, who works less than 40 hours per week, has completed an introductory period

and is in a position which is expected to continue for an indefinite period in the foreseeable future.

C. Temporary

Any employee who is casually or seasonally employed either on a full or part-time basis or in a position which is fairly certain to terminate on or before a known date in the near future.

D. Introductory

All new employees of the City shall serve a 12 month introductory period commencing with their first day of employment. Upon completion of their introductory period, the Department Head or supervisor shall submit a performance evaluation to the Human Resources Department, for the City Manager's approval, recommending an extension of the introductory period, regular employee status or termination. Introductory employees are not entitled to any of the provisions of the ~~eEmployee_s-Resolution~~handbook relating to employee discipline or the grievance procedure.

E. Promoted Employee

Any regular employee who accepts a promotion shall be placed on a six month probationary status with respect to that position. At the end of the six month period the employee shall be evaluated. Based upon the evaluation the employee shall be given an extension of the probationary status, placed on regular status or returned to the position held prior to promotion.

2. Performance

A performance evaluation shall be completed for each employee on an annual basis. Evaluations shall be reviewed with the employee, signed by both the employee and his/her supervisor and a copy submitted to the Human Resources Department. Employees who disagree with the content of the evaluation shall have the right to attach comments to the completed evaluation.

Each employee of the City is expected to maintain a competent level of performance. If any employee's performance has dropped below competent levels, the department head, or supervisor, shall discuss the problem(s) with the employee and recommend corrective action through a performance improvement plan.

3. Employee Discipline

The purpose underlying this discipline policy is to establish a consistent procedure for maintaining suitable behavior and a productive working environment. Disciplinary action may include oral reprimand, written reprimand, suspension without pay, probation, demotion, reduction in pay, and termination. Disciplinary action need not be progressive in nature.

A. Procedure: A supervisor who has cause to believe that disciplinary action may be necessary shall make a reasonable effort to ascertain all relevant facts prior to proposing or taking

disciplinary action. The supervisor shall document evidence on the matter in a way that may be easily reviewed and understood by someone unfamiliar with the matter. The disciplinary action taken should reflect consideration of the severity of the offense or performance problem, previous performance problems or offenses of a similar type and the period of time between occurrences, overall work record, and treatment of other employees under similar circumstances.

- (1) Oral reprimand: An oral reprimand occurs when a supervisor verbally admonishes an employee for an offense, and impresses the need for corrective action. The purpose is to eliminate misunderstandings and to set and maintain desired standards of conduct and performance. Although the supervisor should note the date and content of the warning for future reference, it is not recorded in the employee's personnel file at the time of the warning. An oral reprimand may not be appealed.
- (2) Written reprimand: A written reprimand occurs when a supervisor places the employee on official notice that performance or conduct must improve. The written reprimand must clearly describe the unacceptable performance and/or conduct, the corrective action required, and the time frame involved. A written reprimand is initiated by the completion of a "Notice of Proposed Disciplinary Action" on a form from the Human Resources Department. The employee shall meet with the supervisor within seven (7) calendar days of receipt of the "Notice" to discuss the proposed disciplinary action. The original written reprimand shall be forwarded to the Human Resources Department for placement in the employee's personnel file.
- (3) Suspension Without Pay, Salary Reduction, Demotion or Dismissal: These forms of disciplinary action may be taken where less severe forms have failed to improve performance, or where the violations or offenses are more severe. An employee may be suspended with pay pending imposition of any proposed disciplinary action. Discipline is initiated by completion of the "Notice of Proposed Disciplinary Action" on a form from the Human Resources Department. The "Notice" shall first be approved by the City Manager and then hand-delivered to the employee by the Department Head, or his/her designee. The "Notice" shall be signed by the Department Head and the employee must acknowledge receipt of the "Notice" by signing the form. The employee shall be provided with a copy of the "Notice" along with copies of all documents upon which the proposed disciplinary action is based. A meeting shall be scheduled with the Department Head and City Manager within seven (7) calendar days at which time the employee may respond to the allegations and/or the proposed disciplinary action. This meeting shall be informal in nature. The disciplinary action may thereafter be implemented, unless the department head wishes to alter the proposed disciplinary action, in which case the City Manager shall be consulted prior to

implementing the decision.

B. Appeal: An employee may appeal the decision of a department head where the disciplinary action includes a written reprimand, suspension without pay, salary reduction, demotion or dismissal. An appeal must be initiated within seven (7) calendar days of receipt of the disciplinary action by submitting a "Notice of Appeal" to the Human Resources Department on a form provided by that office. All appeals of disciplinary action shall be submitted to mandatory mediation and binding arbitration. The employee and the City shall each have the right to the disqualification of one mediator and one arbitrator. If mediation fails, the decision of the arbitrator shall be final. The cost of mediation and arbitration processes shall be divided equally between the employee and the City unless otherwise agreed upon during the respective process.

4. Reduction in Force (Layoff)

The City may, as a result of financial constraints, changes in the types of services, methods of delivering service or for any other reason deemed appropriate by the City Council, cause a reduction in force. The criteria to be used by the City in determining which employees will be laid off follow below.

- A. The City shall designate position classifications by department or division where reductions are to occur.
- B. Within divisional units, employees assigned to position classifications designated for reductions will be listed by most recent continuous seniority with the City. Seniority is defined as that period of time between the layoff date and the most recent date the employee was permanently hired by the City.
- C. According to the list established in B above, employees with the least amount of service will be laid off until the required number of positions is obtained.
- D. Upon written request to the department head, employees designated for layoff may, at their option, bump employees with less continuous seniority in the lowest position within the division where the layoff is designated. The employee exercising bumping privileges shall be assigned to the final base pay for the position, not to exceed their current base wage.

When a vacancy occurs in higher level positions within the division, the employee who has exercised bumping privileges shall be given first opportunity to fill the position if:

- 1) The higher level is of equal or lower rank than the position held prior to the reduction in force;
- 2) The employee possesses necessary qualifications for the position.

This promotion preference policy shall continue until the employee has attained rank most nearly

equivalent to, without exceeding, the rank formally held.

The department head shall develop a promotional preference list based primarily on former rank and secondarily on seniority. Promotions from the list shall commence with the highest former rank/most seniority and end with the lowest former rank/least seniority.

Employees designated for layoff may be considered for vacancies in other departments or positions if the employee meets the minimum qualifications for the job and the department head in which the vacancy exists accepts transfer of the employee to fill the vacancy.

Employees who are laid off will be given first opportunity to fill vacancies within the department from which they were laid off, if the individual meets the minimum qualifications for the job and the head of the department in which the vacancy exists offers the position to the individual. The rehire provisions of this section shall be considered a "one time" opportunity for the laid off individual. If the offer for reemployment is not accepted, the City shall have no continuing obligation to the former employee.

The City shall attempt to provide employees designated for lay off with a minimum of 30 days advance notification.

5. Grievance Procedure

A grievance shall be defined as a dispute or disagreement raised by an employee against the employer involving the interpretation or application of specific conditions of the employee ~~resolution~~handbook, ordinances, contracts or regulations of the City of Twin Falls including an allegation of constructive discharge, but excluding disciplinary action.

An aggrieved employee or former employee has from the beginning of the alleged problem fourteen (14) calendar days in which to file the grievance. The filing period may be extended if both parties are working informally to resolve the problem. The extension should be in written form, signed by both parties. If the issue cannot be resolved either party should notify the other that impasse has been reached. The filing period will commence with the date of impasse. An aggrieved employee shall first submit the grievance in writing on a form provided by the Human Resources Department. The submittal shall include all pertinent facts as determined by the employee, the basis for the grievance expressed in terms of the specific rules or regulations alleged to be misinterpreted and the action the employee believes the City should take as a result of the grievance filing.

The department head shall make a written report on his findings and decision concerning any such grievance, which report shall be submitted to the City Manager within two (2) working days of receipt of the written grievance or as soon thereafter as possible.

The City Manager shall review the department head's decision and may interview all interested

parties and then shall make his decision concerning said grievance. The City Manager shall provide his decision in writing to the aggrieved employee within five (5) working days of receipt of the department head's report or as soon as possible.

If either the department head or the City Manager is unable to respond to the grievance within the prescribed time frame, notification including an approximate completion date will be provided to the grievant.

An employee may appeal the City Manager's decision by requesting a hearing before the City Council. Said request must be made in writing to the Human Resources Department within seven (7) calendar days following receipt of the City Manager's decision. The matter will be placed on the Council agenda, either as a regular agenda item or as a special meeting.

SECTION IV - COMPENSATION

1. Fair Labor Standards Act

The City of Twin Falls will adhere to all provisions and regulations of the Fair Labor Standards Act as it applies to City Employees. The Human Resources Department will maintain a separate list of positions which have been determined to be (1) exempt, (2) non-exempt, (3) excluded from the provision of the Fair Labor Standards Act.

2. Pay Plan

The City Council shall adopt by Resolution a pay plan prior to the commencement of each fiscal year outlining the pay rates for the various position classifications within the City. The salary will be considered compensation for all hours worked within the employee's normal work schedule. At the option of the City Council, salaries may be adjusted on an annual basis or in such other manner as deemed to be equitable by the City Council.

3. Pay Day

All employees will be paid on a bi-weekly basis unless otherwise exempted by contract. Pay checks will be issued on the Friday following the end of the prior two week timecard period. If the regular pay day falls on a holiday, pay checks will be distributed on the last work day preceding the holiday. Pay advances and draws on paychecks prior to pay day shall not be allowed.

4. Work Out of Classification Pay

Employees, exclusive of department heads and the assistant department head, who are required to accept the responsibilities and carry out the duties of a position or rank above that which they normally hold for a period of at least eight (8) consecutive hours, shall be paid at the rate for that position or rank while so acting. Supervisory personnel acting in the capacity of the department head for a period exceeding eight (8) consecutive hours shall be compensated at a rate equal to

one-half (1/2) of the difference between their regular hourly rate of pay and the department head's regular rate of pay.

5. Longevity Pay

Longevity pay shall be calculated for all employees at the rate of \$4.00 per month for each year of service commencing with the start of the sixth consecutive year of service. Longevity shall be paid bi-weekly, except as otherwise determined by contract. Part-time employees shall be

eligible for a pro-rated payment based upon their "normal" work period. A maximum payment of \$100.00 per month shall be earned upon completion of the 25th year of service.

6. Certification Pay

Certification pay shall be awarded in accordance with the certification pay program as established by the City Council. The maximum certification allowance shall be \$150.00 per month except as otherwise provided in this ~~resolution~~handbook. It is paid bi-weekly, except as otherwise determined by contract.

7. Insurance Coverage

The City will make several different types of insurance plans available for regular, introductory, and part-time employees after a 90-day waiting period. The amount of premium paid will be determined by Resolution of the City. Each regular, introductory or part-time employee may, at his/her option and expense, insure dependents under the City's group policy subject to the terms authorized by Council directive. Temporary employees shall not be entitled to insurance benefits.

The City will provide a dental insurance policy for regular, introductory and part-time employees. Each employee may, at his/her option and expense, insure dependents under the City policy subject to the terms and conditions of the insurance policy.

The City will provide a Term Life insurance policy for regular, introductory and part-time employees.

The City will provide a Long Term Disability insurance policy for regular, introductory and part-time employees.

The City will make available a Flexible Spending Account (FSA) as authorized by IRS Code 125 to regular, introductory and part-time employees.

In compliance with The Consolidated Omnibus Budget Reconciliation Act (COBRA) the City will offer continuation of insurance coverage to individuals and/or dependents who have a qualifying event (i.e. divorce, termination, death, etc.).

If the employee or the qualifying dependent elects this continuance provision they will be required to pay the full premium amount plus an additional percentage to cover the added administrative costs.

At the option of the City Manager, the City may provide on a payroll deduction basis other insurance and policies for employees. Voluntary insurance programs currently available include: Life insurance, cancer insurance, accident insurance, and long term care.

8. Retirement

In accordance with State law and the Public Employee Retirement System of Idaho (PERSI), all eligible employees shall be required to subscribe to the City retirement program.

The City will make available to all employees a voluntary deferred compensation program. The City's involvement in the program shall be limited to the deduction of a specified amount from each member's paycheck and the forwarding of that amount to the program administrator. The City recognizes no fiduciary responsibility for the outcome of the investments of the deferred income fund.

Retired City employees may be hired by the City on a part-time or temporary basis, subject to the requirements prescribed by PERSI for short periods of specialty work for which they are well trained. These employees shall be considered temporary and are not eligible for benefits of sick leave, vacation or medical insurance.

9. Retirement-Health Care Savings Plan

Employees who have reached their maximum sick leave accrual shall have the excess deposited into a dedicated retirement-health care savings plan. Time in this account can be used exclusively for the purchase of health insurance by employees (and their spouse when applicable) who retire, as defined by PERSI, prior to age 65. Once an employee qualifies for Medicare the benefit terminates and remaining funds, if any, are forfeited.

SECTION V - LEAVE

1. Holidays

The City shall observe the following days as legal holidays: New Year's Day, Dr. Martin Luther King Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Friday following Thanksgiving Day, and Christmas Day.

December 24 (Christmas Eve) shall be observed as a holiday when December 25 (Christmas Day) falls on a Tuesday, Wednesday, Thursday or Friday. When Christmas falls on a Saturday, Sunday or Monday, the Christmas Eve Holiday shall not apply.

If the holiday falls on a Saturday, the City will observe the holiday on the preceding Friday. If the

holiday falls on a Sunday, the City will observe the holiday on the following Monday.

No City office may be closed longer than four consecutive days during a week in which a Holiday is observed.

Holiday pay for a part-time employee shall be earned at a rate equivalent to his/her average work day.

Temporary employees shall not be eligible for holiday pay.

2. Vacations

Each regular and introductory employee of the City shall earn vacation leave based on the accrual rate as shown in Tables I-3. The accrual rate shall be determined according to the hours of accumulated sick leave held by each employee on the first day of each pay period.

General Employee Vacation Accrual Table 1

Per Bi-weekly Pay Period		Annual Hours
Sick Leave Balance	Vacation Accrual	
0.00	3.69	96
288.01 - 480.00	4.31	112
480.01 - 600.00	4.92	128
600.01 - 719.00	5.54	144
719.01 - 720.00	6.16	160 Maximum

Police Vacation Accrual Table 2

Per Bi-weekly Pay Period		Annual Hours
Sick Leave Balance	Vacation Accrual	
0.00 - 302.40	3.88	101
302.41 - 504.00	4.53	118
504.01 - 630.00	5.17	134
630.01 - 754.96	5.82	151
754.96 - 756.00	6.46	216 Maximum

Fire Vacation Accrual Table 3

Per Monthly Pay Period		Annual Hours
Sick Leave Balance	Vacation Accrual	
0.00 - 864.00	12	144
864.01 - 1440.00	14	168
1440.01 - 1800.00	16	192
1800.01 - 2159.00	18	216
2159.01 - 2160.00	20	288 Maximum

Each part-time employee of the City shall earn vacation at a rate equivalent to his/her average workday. Part-time employees shall not receive benefit of incremental increases in vacation earning rates based on sick leave accrual. Temporary employees shall not be entitled to vacation benefits.

A new employee who is entitled to vacation benefits shall start to accrue vacation hours on the first day of the pay period in which he/she works more than 40 hours/ 3 shifts for police or fire.

Vacation may not be taken in advance of period earned. No employee is entitled to use vacation until completion of the sixth month of employment unless otherwise approved by the department head for emergency or other unusual conditions.

Regular days off shall not be computed as full working days when falling within any continuous vacation period. If an employee is eligible for the holiday benefit, holidays falling within the vacation period will not be counted as part of the vacation.

The maximum accrual of vacation shall be 160 hours, or as otherwise noted in tables 1-3 above. Vacation accruals in excess of the maximums specified above shall be converted to accumulated sick leave subject to the maximum accumulation provision. Once the maximum accumulation of sick leave is achieved, vacation balances in excess of the maximum shall expire. Emergency personnel, excluding dispatchers, regularly assigned holiday duty may accrue vacation to a total of 24 days. Each employee's vacation accrual record shall be reviewed for compliance with this section as of his/her anniversary date. The conversion date may be extended by the City Manager when work requirements do not allow vacation to be used prior to the employee's anniversary date.

Employees may utilize their accrued annual leave on the basis of approval by their department head subject to the right of the department head to plan the work under his or her control and to authorize absences only at such time as the employee can best be spared. Vacation leave shall be charged against the employee's accrual bank based on the hours of vacation used during the pay period.

Employees may elect to use a portion of their accrued vacation hours for payment or to purchase additional hours of sick leave. To be eligible for the vacation sell-back program, certain restrictions apply. They include:

- Must be an employee of the City for a minimum of one (1) year.
- Must have two weeks (80 hours general employees/84 hours sworn officers/144 hours fire personnel) of accrued vacation at the time of the request.
- Must have taken a minimum of 2 weeks (80 hours general employees/84 hours sworn officers/144 hours fire personnel) vacation in the preceding 12 month period.
- Vacation hours may only be sold once during any fiscal year.
- The maximum number of hours an employee can sell is 40 general employees/42 hours

sworn officers/72 hours fire personnel.

- When leaving the services of the City, an employee shall be compensated at his/her current hourly wage for any accrued vacation balance.

3. Sick Leave

Each full-time and introductory employee of the City shall earn sick leave based on the accrual rate shown in Tables 4-6. The accrual rate shall be determined according to the hours of accumulated sick leave held by each employee on the first day of each pay period.

General Employee Sick Leave Accrual Table 4

Per Bi-weekly Pay Period			Annual Hours
Sick Leave Balance		Sick Leave Accrual	
0.00	-	288.00	96
288.01	-	480.00	112
480.01	-	600.00	128
600.01	-	719.00	144
719.01	-	720	1.23 Leave deposited into retirement hours bank

Police Sick Leave Accrual Table 5

Per Bi-weekly Pay Period			Annual Hours
Sick Leave Balance		Sick Leave Accrual	
0.00	-	302.40	101
302.41	-	504.00	84
504.01	-	630.00	67
630.01	-	754.95	50
754.96	-	756.00	34
756		1.29 Leave deposited into retirement hours bank	

Fire Sick leave Accrual Table 6

Per Monthly Pay Period			Annual Hours
Sick Leave Balance		Sick Leave Accrual	
0.00	-	864	288
864.01	-	1440.00	240
1440.01	-	1800.00	192
1800.01	-	2159.00	144
2159.01	-	2160	96
2160		Leave deposited into retirement hours bank	

Each part-time employee earns sick leave at a rate equivalent to his/her average work day.

Temporary employees shall not be entitled to sick leave benefits. A new employee who is entitled to

sick leave benefits shall start to accrue sick leave hours on the first day of the calendar month nearest to the date of starting employment.

For purposes of this [resolutionhandbook](#), sick leave shall be defined as the absence from work of an employee due to personal illness, or the serious illness or death of an immediate family member requiring the employee's attention. For purposes of this section immediate family shall be defined as spouse, children, parents of the employee and employee's spouse.

As a matter of policy, the sick leave benefit shall be considered a privilege rather than a right of employment. Sick leave may be used as allowed in this [resolutionhandbook](#), but for no other purpose. Any abuse of the sick leave benefit shall result in strict disciplinary action and potential termination.

When an employee finds it necessary to use the sick leave privilege, the employee shall report the fact to the department head or supervisor in accordance with departmental policy. The use of sick leave shall not be authorized until documented on the employee's timecard, signed and approved by the department head. The department head may require a doctor's release prior to sick leave pay for time not worked when the employee's sick leave record indicates a health problem, susceptibility to recurring illness or frequent serious illness in the employee's family.

Sick leave may be accumulated if not used during the year earned, subject to the maximum accruals reflected in tables 4-6 above.

Sick leave may not be taken in advance of the period earned. Family Medical Leave or leave of absence without pay may be allowed as provided in this resolution. When leaving the services of the City, an employee shall not receive pay for any unused sick leave.

4. Bereavement Leave

In the event of a death in the immediate family of an employee, the employee may be granted up to three (3) shifts off with pay. The immediate family, whether related by blood or marriage, shall be defined as spouse, children, grandparents, mother, father, brother or sister of the employee and those of the employee's spouse. The employee's supervisor shall be notified as soon as possible prior to use of this leave.

5. Family Medical Leave Act (FMLA)

A. In order to comply with the Family and Medical Leave Act (FMLA) of 1993, eligible employees are entitled to twelve (12) weeks of leave for the following reasons:

- 1) The birth or placement for adoption or foster care of a child, within twelve (12) months of the birth or adoption;
- 2) The serious health condition of a spouse, child or parent;

- 3) The employee's own serious health condition;
- 4) Military Caregiver Leave (twenty-six weeks);
- 5) Qualifying Exigency Leave

B. For employees whose spouses are employed with the City, leave may be limited to a combined total of up to twelve (12) weeks of unpaid leave in a twelve (12) month period if the leave is taken for the birth of a child, placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

C. Definitions

For purposes of the Family Leave policy, the following definitions shall apply:

- 1) Eligible Employee shall mean any person employed for at least twelve (12) months, and who has worked 1,250 hours or more during the twelve (12) months prior to the leave request;
- 2) Child shall include the biological, adopted, foster, stepchild, legal ward or a child of an individual legally acting in the parent's stead. The child must be under the age of eighteen (18) unless he/she is incapable of self-care because of physical or mental disability;
- 3) Spouse means a husband or wife as defined and recognized under Idaho State law for purpose of marriage;
- 4) Parent means biological parent or an individual who stands or stood in place of a biological parent. This term does not include parents-in-law;
- 5) Serious Health Condition is defined as an illness, injury, impairment or physical or mental condition involving either inpatient care or continuing treatment by a health care provider;
- 6) Twelve (12) month period is defined as a "rolling" twelve (12) month period, measured backward from the date an employee starts his/her FMLA leave;
- 7) Certification shall refer to a statement by a health care provider which includes:
 - a) The date on which the serious health condition began;
 - b) The probable duration of the condition;
 - c) Appropriate medical facts regarding the condition;
 - d) A statement that the employee is needed to care for a spouse, child or parent, along with the estimated length of time or;
 - e) That the employee is unable to perform his/her duties;
 - f) In the case of intermittent leave, the dates and duration of treatment to be given.

The certification notice must be provided within fifteen (15) days from the date it is requested by the City. The City may, at its expense, obtain an opinion from a second health care provider (of the City's choosing) or third health care provider (chosen jointly by the employee and the City).

D. Notice and Confirmation of Leave

An eligible employee must notify the City of the need to request FMLA leave under this policy. The employee must provide as much notice as is practical. In the event of leave for a serious medical condition or treatment which is foreseeable, employees are required to make a reasonable effort to schedule treatment so as not to unduly disrupt work operations and to provide the thirty (30) day notice; or such notice as is practical.

E. Duration of Leave and Methods of Taking Leave

An employee may be given up to a maximum of twelve (12) weeks for a leave under FMLA. However, in situations where the reason for the leave is to care for a sick family member or for his/her own serious health condition, the employee may be permitted to use up to the twelve (12) total weeks on leave on an intermittent basis or on a reduced workweek schedule, if it is medically necessary to do so.

Under the Family Medical Leave Act an employee may take reduced or intermittent leave when it is medically necessary to care for a serious health condition for his/her family member or for the employee's own serious health condition. Employees will be required to provide additional medical certification by a qualified health care provider that states this accommodation is medically necessary. The certification must specify how long the leave will be necessary. Employees on reduced or intermittent leave may be required to transfer temporarily to an available alternative position with equivalent pay and benefits that can accommodate the recurring periods of leave or reduced work schedule.

While on family medical leave, the City may require that the employee periodically report his/her status and intention to return to work. The City may also require that an employee on family medical leave obtain subsequent re-certification of a serious health condition.

F. Benefits while on Family Medical Leave

Employees will be required to coordinate any available vacation, sick and comp. time leave before utilizing leave without pay. The paid leave will be counted toward the twelve (12) weeks of Family Medical Leave (FMLA).

Employees who do not have accrued leave time are eligible to take up to twelve (12) weeks of unpaid leave under the Family Medical Leave Act, provided that they meet the definitions of eligibility.

The City will continue health benefits for employees on family leave up to twelve (12) weeks under the same conditions as if the employee had continued to work. Except in certain circumstances, if an employee does not return from a family medical leave, he/she may be

required to reimburse the City for his/her share of health premiums that were paid by the City on his/her behalf to continue his/her employee coverage(s) while on leave.

For any period an employee receives paid leave benefits, the City will deduct the employee's premium portion through payroll deductions. For unpaid leaves, an employee will be required to make arrangements with the City to pay for his/her portion of the health, dental and supplemental insurance premiums while out on leave.

G. Effect on other City Benefits

Employees on family leave will not lose seniority or employment benefits. An employee who takes unpaid FMLA leave will not accrue vacation or sick leave while on FMLA.

Upon return from a family leave, an employee shall be returned to the same or similar position with equivalent pay, benefits and other terms and conditions of employment that he/she occupied prior to the leave, with the exception of key employees as described in section 825.218 of the Family Medical Leave Act regulations.

H. Other General Provisions

Eligible employees may exercise rights granted under this policy with complete freedom from retaliation, threat of discharge or discrimination. The City shall not interfere with or restrain, in any way, an employee's rights to family leave in compliance with this policy.

The City cannot cover all the details concerning family leave in this policy manual. Employees with questions should contact the Human Resources Department for additional information.

6. Accident Leave

The City Manager may authorize accident leave for lost time resulting from a work related injury subject to the following:

- A. The injury was caused by a work related accident and not caused by carelessness or a negligent action by the employee;
- B. The employee has submitted a doctor's report verifying that all lost time was caused by the injury.

Regardless of the severity of an injury, employees are required to report job related injuries to their supervisor as soon as possible. In addition, an accident report must be filed with the Human Resources Department as soon as feasible following the incident.

If medical treatment is required as a result of an injury, employees are to report to Occupational Health, St. Luke's MVRMC. For injuries requiring emergency services, or occurring outside of normal hours for Occupational Health, employees should report directly to the emergency room at St. Luke's.

As a result of the filing of an accident report, the City may require the employee to undergo an initial medical examination or may direct efforts to verify statements made concerning the circumstances surrounding the injury. If the injury appears to require a lengthy recovery period, on-going medical reports may be required.

The City will continue an employee's regular salary as a result of an on-the-job injury. Time loss benefits paid directly to an employee from the State Insurance Fund will then be deducted from the employee's paycheck. It is the responsibility of the injured employee to provide documentation to the payroll office verifying the amount paid. When an employee is eligible to receive compensation from the State Insurance Fund and receives a limited-duty statement from his/her physician, the employee may be expected to return to work to perform duties as assigned. The temporary reassignment may be in another department and may include a change in the regular tour of duty. Refusal to accept bona fide limited-duty work may be cause for the State Insurance Fund to discontinue Worker's Compensation benefits and for the City to discontinue the accident leave benefit.

The maximum accident leave benefit shall not exceed 90 calendar days. At such time as it is determined that the employee is unable to return to work, any authorized accident leave will be terminated. If the 90 day maximum is exhausted the employee may, at his/her option, make up the difference between the Worker's Compensation check and the employee's full base pay by charging earned vacation. The sick leave benefit shall not be used for work related injuries or illnesses. An employee who does not have earned vacation to cover the pay differential receives only those earnings covered by the worker's compensation check.

7. Leave of Absence Without Pay

Upon request from an employee the City Manager may grant a leave of absence without pay for a period not to exceed 30 days. Except in cases of extreme emergency, leave of absence without pay may be granted only upon written request submitted through the department head at least 48 hours in advance of the time the leave is requested to be taken. Leave of absence for a period exceeding 30 days may be granted by the City Council who will establish the terms upon review of the written request. In order to maintain the health insurance benefit, the employee may, at his/her option, pay the full premium.

8. Military Leave

The City will comply with all aspects of the Uniformed Services Employment and Reemployment Rights Act (USERRA) as prescribed by Federal Law.

Employees who are called for military training or service shall be granted a leave of absence, without pay, during the actual duration of such services. The department head may hire a temporary

employee to take the place of employees on military leave. The temporary employee

shall be terminated upon the full or part time employee's return to work. Non-war time military leaves shall be limited to six (6) months unless extension is granted by the City Council.

Employees enlisted in the Idaho National Guard or organized reserve corps shall be entitled to military leave with one-half (1/2) pay for a period not to exceed 12 working days per year subject to review and approval of the department head and City Manager. Military leave will not affect vacation or sick leave. Military leave with one-half (1/2) pay will not be granted until an employee has completed at least 12 months continuous employment with the City prior to such leave. An employee may, at his/her option, use vacation to make up the difference between City military pay and the employee's regular rate of pay.

9. Jury Duty

Leave will be granted to full-time and regular part-time employees called to serve as a juror or witness for any federal, state, or local court of law on a day that would have been a regularly scheduled work day. Jury duty or court leave shall not apply for any court case involving a personal matter.

Documentation of court fees paid by the court and received by an employee, except for mileage reimbursement, shall be provided to the payroll office upon receipt.

SECTION VI - SPECIAL DEPARTMENTAL PROVISIONS

1. Administrative

A. Definition

For purposes of this ~~resolution~~handbook, Administrative Departments shall consist of City Manager, Finance, Engineering, Community Development, Economic Development, - Human Resources, Information Services and Building Inspection.

B. Promotion Procedure

The goal of the promotion policy is to provide all qualified employees a fair and equitable opportunity to compete for promotional positions.

A job description will be published and maintained by the Human Resources Department for each position in the Administrative Departments. At least 15 days prior to the administration of a promotional selection procedure, a job notice shall be published by the Human Resources Department. The notice shall state the minimum qualifications for the job and application requirements.

C. Exempt Positions Under the Fair Labor Standards Act

Positions in Administrative Departments which are exempt under the Fair Labor Standards Act include: City Manager, Assistant to the City Manager, Public Information Officer, City Engineer, Assistant City Engineer, Staff Engineer, Community Development Director, Zoning & Development Manager, Economic Development Director, Human Resources Director, Human Resources Analyst/Risk Manager, Information Services Director, Building Official, Chief Financial Officer, Assistant Finance Director, Finance Accountant, and Budget Manager.

D. Work Period

The work period for all Administrative Departments shall commence at 12:00 A.M. on Sunday and will end at 11:59 P.M. on Saturday seven days later.

E. Overtime

All overtime paid by the City will be administered in accordance with the requirements of the Fair Labor Standards Act. For all non-exempt personnel in the Administrative Departments all hours worked in excess of 40 hours in a 7 day work period shall be compensated at the rate of one and one-half times the employee's regular hourly rate. Hours worked outside the normal period that do not exceed 40 hours in the 7 day work period shall be compensated at straight time.

All absences from work, except vacation and compensatory time, will be excluded from the calculation of hours worked for overtime purposes. Vacation and compensatory time will be included in the calculation of hours worked for overtime purposes.

Overtime shall be paid in compensatory time-off. Employees may accumulate a maximum of 60 hours of compensatory time. All hours which exceed the 60 hour maximum shall be bought back in accordance with the provisions of the Fair Labor Standards Act.

Each Department shall have the authority to adjust its work schedule provided the work shifts do not total more than 40 hours in a 7 day work period.

F. DeMinimis Rule

The Department of Labor has recognized that insubstantial or insignificant periods of time outside the scheduled working hours which cannot, as a practical administrative matter, be precisely recorded for payroll purposes may be disregarded. (785.47) This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration and where the failure to count such time is due to considerations justified by industrial realities.

G. Meal Periods

Meal periods for non-exempt employees in the Administrative Departments shall not be included in calculation of total hours worked. During meal periods employees are completely relieved from all work responsibilities except as otherwise approved by the Department Head or Supervisor.

H. Call Back/Hold Over

Employees called back to duty shall be paid for a minimum of two (2) hours in accordance with Section VI-1-E of this [resolutionhandbook](#). Actual time shall be compensated if it exceeds the two-hour minimum. Employees held over at the end of their shift shall be paid for a minimum of one (1) hour in accordance with Section VI-1-E of this [resolutionhandbook](#). Actual time shall be compensated if it exceeds the one hour minimum. All call back and/or hold over hours must have prior supervisory approval.

I. Bulletin Board

A bulletin board shall be provided in a central location within City Hall for information of general interest to employees.

J. Employees Golf Rates

In order to promote physical fitness, the City agrees to establish employee rates for golf course use. The employee rate shall be equal to one-half (1/2) the regular rate. The employee rate shall apply to City employees only. A reduced rate will be allowed on couple and family season passes.

2. Police

A. Promotion Procedure

The goal of the promotion policy is to provide all qualified employees a fair and equitable opportunity to compete for promotional positions within the department.

A job description shall be published and maintained by the Human Resources Department for each position in the department. The job description shall state the minimum qualifications for each position in the department. When a position becomes vacant, an applicant pool shall be formed through testing procedures which may include but not be limited to written tests, oral interviews and assessment center exercises. At least 15 days prior to the administration of a promotional test, a job notice shall be issued by the Human Resources Department. The notice shall state the minimum qualifications for the job, the testing procedure to be used and the weight to be given to each step in the procedure. Those passing each phase of the test shall be placed in the pool. The pool shall remain in effect for a period of one year.

B. Departmental Rules and Regulations

The department may adopt policies and/or procedures to supplement those set forth in this [resolutionhandbook](#).

C. Exempt Positions Under the Fair Labor Standards Act

Exempt positions within the police department include Police Chief, Police Captain and Police

Lieutenant. Other positions may be added to or deleted from the list by the Human Resources Department as required in order to fulfill the requirements of the act.

D. Work Periods

Section 7(K) of the Fair Labor Standards Act allows public agencies to establish work periods of 7 to 28 days for the purpose of computing overtime compensation. The work period for non-exempt police officers shall commence at 12:00 a.m. and ends at 11:59 p.m. 14 days later. The work period for all other personnel within the department shall be seven (7) days, commencing at 12:00 a.m. Sunday and ending at 11:59 p.m. the following Saturday. For purposes of this [resolutionhandbook](#), the term "police officer" shall mean non-exempt patrol officers and detectives, and shall not include dispatchers or clerical personnel.

E. Overtime

All overtime for employees of the Police Department, sworn and non-sworn, will be paid by the City in accordance with the requirements of the Fair Labor Standards Act. For non-exempt police officers all hours worked in excess of 85.5 hours in a 14 day work period will be compensated at the rate of one and one-half times the normal hourly rate. Hours worked outside of the normal work schedule that do not exceed 85.5 hours in a 14 day period will be compensated at one times the regular hourly rate. For all other employees in the department overtime shall be compensated at the rate of one and one-half times the regular hourly rate for all hours worked in excess of 40 hours in a seven day work period.

All absences from work, except vacation and compensatory time, will be excluded from the calculation of hours worked for overtime purposes. Vacation and compensatory time will be included in the calculation of hours worked for overtime purposes.

F. Court Time

Any officer called to attend or appear at any court hearing during off-duty hours shall be compensated in accordance with the overtime provisions of this [resolutionhandbook](#) for a minimum of two hours. If more than one court hearing is scheduled within the two-hour minimum, no additional compensation will be granted. If, however, the total time spent exceeds the two hour period, actual hours worked are then compensable. (See examples below).

Example	Scheduled Court Time	Departure Time	Compensable Time
#1	1:00, 2:00, 2:30	2:45	2 hours
#2	9:00, 3:00	9:15 - 3:30	4 hours
#3	1:00	3:30	2.5 hours

Notification of court appearances during off-duty hours shall be scheduled 18 hours in advance and cancellation of court appearances during off-duty hours must be made 18 hours in advance

of the scheduled court hearing. Failure to comply in either case will result in a minimum compensation of two hours. Payment will be made in accordance with Section VI-2-E of this [resolutionhandbook](#). Notification will be made by use of the recorded message system in the police department.

Any officer scheduled to appear at any court hearing outside of Twin Falls County must have supervisory approval prior to the hearing date. Hours worked will be compensated in accordance with the overtime provisions of this [resolutionhandbook](#).

G. Standby Pay

Employees who are required to perform standby or on call duty shall receive an additional day's pay for each week of standby duty.

While on standby duty employees shall be available for immediate response to emergency and/or service calls. Actual hours worked while on standby duty shall be compensated in accordance with the provisions of the Section VI-3-E and H. Hours worked under this section shall be checked and approved by the department head prior to payment.

The employee who has standby duty on a holiday will receive the hourly equivalent added to his/her vacation balance.

H. Call Back/Hold Over

Employees called back to duty by a supervisor shall be paid for a minimum of two hours in accordance with Section VI-2-E of this [resolutionhandbook](#). Call back shall be defined as that period of time when an employee is requested to report back for duty to his/her normal or pre-arranged work site.

Calls received at home for informational purposes are not considered "call back" and are not subject to the two-hour minimum. The actual time spent shall be included as time worked and shall be compensated to the nearest 1/4 hour.

Employees held over at the end of a shift shall be paid for a minimum of one hour in accordance with Section VI-2-E of this [resolutionhandbook](#). Actual time shall be compensated if it exceeds the one-hour minimum. Both call back and hold over must receive prior approval by a supervisor.

I. DeMinimis Rule

The Department of Labor has recognized that insubstantial or insignificant periods of time outside the scheduled working hours which cannot, as a practical administrative matter, be precisely recorded for payroll purposes may be disregarded. (785.47) This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration and

where the failure to count such time is due to considerations justified by industrial realities.

J. Clothing Allowance

The City will provide uniforms, leather gear, weapons and protective devices. Plain clothes positions will be provided a uniform allowance in the amount of \$300 per year.

K. Holidays

Patrol officers and other 24 hour emergency personnel regularly assigned to duty on holidays shall be granted the equivalent City recognized vacation days per year to compensate for holidays worked. All other employees will observe holidays as listed in the general section of this [resolutionhandbook](#).

L. Meal Periods

Meal periods for employees in the patrol division will be taken as part of the work shift subject to work load. Meal breaks shall be held to a reasonable time period but in no case shall exceed 30 minutes. All other employees of the department will take meal breaks outside of work hours. Meal breaks for non-sworn employees are off-duty and are completely relieved from all work responsibilities.

M. Grievance Procedure

The grievance procedure for employees assigned to the police department will be the same as the procedure outlined in the general provisions of this [resolutionhandbook](#).

N. Discrimination

The employer agrees not to discriminate against any employee for his/her activity in behalf of, or membership in, or non-membership in the Fraternal Order of Police (FOP), Lodge #22. The employer and the association agree that there shall be no discrimination against any employee because of race, creed, color, national origin, gender, religion, or sexual orientation.

O. Association Business

With the approval of the Police Chief or his/her designee, the FOP may use the police station classroom for association business meetings, subject to a maximum of 15 meetings per year.

P. Association Bulletin Boards

The employer agrees to furnish space for one suitable bulletin board to be supplied by the FOP in a convenient place in the police station. The association shall limit its posting of notices and bulletins to such bulletin boards for the purpose of posting notices of association meetings, association elections, association election returns, association appointments to office and association recreational or social affairs. The association agrees to limit the posting of such notices to its bulletin board space. It is specifically understood that no notices of a political or

inflammatory nature shall be posted.

Q. Certification Pay

Certification pay shall be awarded in accordance with the certification pay program as established by the City Council.

Intermediate\$50.00
Advanced \$50.00
Masters/Supervisory/Management ...\$50.00

Dispatchers:

Level II..... \$50.00
Level III..... \$50.00
Advanced \$50.00

Records and Clerical:

12 semester units \$50.00
24 semester units \$50.00

The monthly maximum certification pay is \$150.00.

R. Employee Golf Rates

In order to promote physical fitness, the City agrees to establish employee rates for golf course use. The employee rate shall be equal to one-half (1/2) the regular rate. The employee rate shall apply to City Employees only. A reduced rate will be allowed on couple and family season passes.

S. Bereavement Leave

In the event of a death in the immediate family of an employee, the employee may be granted up to three shifts off with pay. The immediate family shall be defined as spouse, children of the member, grandparents, mother, father, brother, sister of the member and those of the member's spouse. The employee's immediate supervisor shall be notified as soon as possible prior to use of this leave.

T. Safety Program

Employees and the FOP may submit through the standard channel of communications to the Chief, reports, investigation, suggestions, recommendations and review of all accidents, deaths, injuries or illness pertinent to the police service.

The Chief shall evaluate such communications and forward to the City Manager.

3. Public Works

A. Definition

For purposes of this ~~resolution~~handbook Public Works Departments shall include Airport,

Wastewater Collection, Vehicle Maintenance/Shop, Water, Streets, Parks and Recreation.

B. Promotion Procedure

The goal of the promotion policy is to provide all qualified employees a fair and equitable opportunity to compete for promotional positions within the department.

A job description will be published and maintained by the Human Resources Office for each position in the public works departments. The job description shall state the minimum qualifications for each position.

At least 15 days prior to the administration of a promotional position selection procedure, a job notice shall be published by the Human Resources Office. The notice shall state the minimum qualifications for the job and testing procedure requirements.

C. Exempt Positions Under The Fair Labor Standards Act

Exempt positions by department are: Airport Manager, Public Works Coordinator, Water Superintendent, Streets Superintendent, and Superintendent of Parks and Recreation.

D. Work Periods

The work period for all Public Works Departments shall be 7 days commencing at 12:00 a.m. Sunday morning and ending at midnight the following Saturday.

E. Work Hours/Overtime

All overtime paid by the City will be administered in accordance with the Fair Labor Standards Act. All hours worked in excess of 40 hours in a 7 day work period shall be compensated at the rate of one and one-half times the regular hourly rate. Hours worked outside the normal work period that do not exceed 40 hours in the 7 day work period shall be compensated at straight time.

All absences from work, except vacation and compensatory time, will be excluded from the calculation of hours worked for overtime purposes. Vacation and compensatory time will be included in the calculation of hours worked for overtime purposes.

Overtime for all Public Works Departments shall be paid in compensatory time-off. Employees may accumulate a maximum of 60 hours of compensatory time. All hours which exceed the 60 hour maximum shall be bought back in accordance with the provisions of the Fair Labor Standards Act.

Each department shall have the authority to adjust its work schedule during seasonal periods in order to more efficiently meet the objective of the department. Work shifts shall not total more

than 40 hours in a 7 day work period. If a change in work shift causes a holiday to fall on a normal day-off, then the day before the holiday shall be observed as the holiday.

F. DeMinimis Rule

The Department of Labor has recognized that insubstantial or insignificant periods of time outside the scheduled working hours which cannot, as a practical administrative matter, be precisely recorded for payroll purposes may be disregarded. (785.47) This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration and where the failure to count such time is due to considerations justified by industrial realities.

G. Residency

There may be times when employees in Public Works Departments will be called upon to provide essential emergency service. Employees are required to live within the following mileage requirements of Twin Falls.

Wastewater	10 miles
Water	15 miles
Parks	25 miles
Streets	15 miles

H. Standby Pay

Employees who are required to perform standby or on call duty shall receive an additional day's pay for each week of standby duty.

While on standby duty employees shall be available for immediate response to emergency and/or service calls. Actual hours worked while on standby duty shall be compensated in accordance with the provisions of the Section VI-3-E and H. Hours worked under this section shall be checked and approved by the department head prior to payment.

The employee who has standby duty on a holiday will receive the hourly equivalent added to their vacation balance.

I. Call Back/Hold Over

Employees called back to duty by a supervisor shall be paid for a minimum of two (2) hours in accordance with Section VI-3-E of this [resolutionhandbook](#). Call back shall be defined as that period of time when an employee is requested to report back for duty to his/her normal or pre-arranged work site. Employees called back to duty shall be paid for a minimum of two (2) hours in accordance with Section VI-1-E of this [resolutionhandbook](#). Actual time shall be compensated if it exceeds the two-hour minimum.

Employees held over at the end of their shift shall be paid for a minimum of one (1) hour in accordance with Section VI-1-E of this [resolutionhandbook](#). Actual time shall be compensated if

it exceeds the one hour minimum. All call back and/or hold over hours must have prior supervisory approval.

J. Meal Periods

Meal periods for employees in the Public Works Departments will be taken as part of the work shift subject to work load. Meal breaks shall be held to a reasonable time period but shall not exceed 20 minutes.

K. Bulletin Board

Each Public Works Department shall provide a bulletin board in an assembly area for information of general interest to employees.

L. Clothing

The City will provide uniform shirts for employees in all Public Works Departments. Coveralls will be provided as needed.

M. Golf Rates

In order to promote physical fitness, the City agrees to establish employee rates golf course use. The employee rate shall be equal to one-half (1/2) the regular rate. The employee rate shall apply to City employees only. A reduced rate will be allowed on couple and family season passes.

SECTION VII - MISCELLANEOUS

1. City Identification Cards

All city employees shall be issued an identification card that lists the employee's department and employee number. Identification cards are to be used for verification purposes when making purchases on behalf of the city as well as when requested by citizens.

2. Travel on City Business

While traveling on City business each employee is expected to conduct himself/herself in a manner which will not discredit the City. An employee on approved City business may be reimbursed for actual expenses incurred in the course of conducting the business in accord with the policies established by the City's travel policy. Entertainment or other personal expenses not directly involved in the conduct of City business are not reimbursable.

3. Safety

Each department of the City shall develop safety procedures in order to minimize and avoid on the job injuries. When safety equipment is provided, City employees shall make use of the equipment.

4. Use of City Equipment

City equipment was purchased for the purpose of assisting employees in the delivery of service to the

community. Under no conditions may City equipment be used for personal purposes without prior approval from the City Manager or his designee.

5. Use of Computer, Internet and E-Mail

All computer equipment that is supplied to employees is the property of the City of Twin Falls and must not be altered or added to in any way without the prior knowledge of and authorization from the Information Services Department.

Employees should have no expectation of privacy in anything they create, store, send or receive on the computer system. The City of Twin Falls reserves the right to review at any time and without prior notice any material created, stored, sent or received on individual computers, the Local Area Network, e-mail system or through the Internet. This ensures compliance with internal policies and general management of the Information Systems. The City of Twin Falls routinely logs web sites visited, files downloaded, time spent on the Internet, and related information. Department managers will receive reports of such information and use it to determine appropriate department activities.

Employees are directed to use computer resources responsibly, professionally, ethically, and lawfully. Prohibited activities include the distribution, storage or display of material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate. Employees may not use the City's Internet connection to download games or other entertainment software, including screen savers, copyrighted material or pirated software. Copying of software is strictly prohibited.

The email system is not to be used for distribution of political or religious materials, mass mailings, betting pools or chain letters. Employees are cautioned against wasting computer resources or unfairly monopolizing resources to include: storing or creating multiple copies of documents as well as non-business related audio, video and picture files.

Employees may not distribute through the e-mail system promotional material or advertising for private businesses.

Prior approval or authorization is required for any work to be performed from a remote access point into the City's network.

Misrepresenting or hiding a user's identity on e-mail messages is prohibited. All identifying related information within messages must reflect the actual author of the messages or postings.

If an employee abuses his/her privilege to use the Internet, it may be taken away from the employee. In addition, the employee may be subject to disciplinary action in accordance with City Policies and

Procedures relating to disciplinary action, up to and including termination.

Departments are responsible for ensuring that employees are aware of the policy and procedures for computer usage, the city's network and e-mail system and the Internet.

6. Use of City Credit Card

Prior authorization is required for any and ALL credit card purchases. Please obtain a MasterCard approval form and complete the explanation of charges section. The authorizing signatures of the Department Head and City Manager are required before the credit card will be issued for use. Within 3 days of purchase/travel the credit card, approval form and all receipts must be returned to the Finance Department or accounts payable clerk for reconciliation.

The Cardholder must only use the credit card for legitimate business purposes and:

- A. Maintain the credit card and credit card numbers in a secure location at all times;
- B. Charge Employee's expenses only; non-employee's expenses may not be included;
- C. Adhere to the purchase limits and restrictions of the credit card and ensure the accumulated transaction amounts do not exceed authorized limits;
- D. Obtain all sales slips, register receipts, and/or credit card slips to provide to the Finance Department for reconciliation, approval and allocation of transactions;
- E. Gasoline credit cards are to be used to purchase gasoline or automobile supplies for city vehicles only;
- F. Attempt to immediately resolve disputes or billing errors directly with the vendor and notify Wells Fargo Bank and the finance department if the dispute or billing error is not satisfactorily resolved;
- G. Ensure that an appropriate credit for correction of disputed item(s) or billing error appears on a subsequent Cardholder Statement;
- H. Not accept cash in lieu of a credit to the Credit Card account;
- I. Immediately report a lost or stolen card to Wells Fargo Bank at 1-877-727-4801 (24 hours a day, 365 days a year);
- J. Immediately notify the Finance Department of a lost or stolen Credit Card at the first opportunity during business hours;

Credit card privileges may be revoked for any of the following reasons, and may also subject Cardholder to disciplinary action in accordance with City Policies and Procedures relating to disciplinary action, up to and including termination.

- A. The credit card is used for personal or unauthorized purposes.
- B. The credit card is used to purchase any substance, material, or service, which violates policy, law or regulation pertaining to the City.

- C. The Cardholder splits a purchase to circumvent the preset transaction limits.
- D. The Cardholder uses another cardholder's card to circumvent the purchase limit assigned to either cardholder or the purchase limits.
- E. The Cardholder fails to provide the Finance Department with required receipts.
- F. The Cardholder fails to provide, when requested, information about any specific purchase.
- G. The Cardholder does not adhere to all of the credit card policies and procedures.

Departments are responsible for ensuring that the cardholder receives the proper training on the policy and procedures for the use of the credit card as described in this policy.

7. Tobacco Use

In accordance with Idaho Statute Title 39 Chapter 55 – The Clean Indoor Air Act 39-5503 all areas of the workplace are smoke-free without exception. Smoking is not permitted anywhere in the workplace, including all indoor facilities and city vehicles. Smoking is not permitted in private enclosed offices, conference and meeting rooms, lunchrooms, or employee lounges. Departments may designate an outside smoking area that is not within 20 feet of an entrance of the building.

8. Use of City Vehicles

A. Use

Some employees may be assigned a vehicle that is driven home; such personal use, if allowed, is a taxable benefit.

B. Assigned or Permissive Drivers

Employees must be authorized by their supervisor to operate an agency vehicle. Each employee assigned to a City vehicle or employees who operate a City fleet vehicle are required to have a valid driver's license. Should an employee's Driver's License expire, be revoked or suspended, the employee shall immediately notify his or her supervisor. At the time of the suspension, the employee's City of Twin Falls vehicle-use privileges will be suspended until the employee's Driver's License has been fully restored and validated.

In addition to the employee assigned or permitted to drive a City vehicle, he or she may allow others, as necessary, to operate the vehicle if they have a valid driver's license and are 25 years of age or older.

C. Seatbelt Use

Except as authorized herein, all drivers and passengers are required to utilize seatbelts as mandated by law. Exception: Sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seatbelt would hinder rather than increase safety (Idaho Code §49-

673(2)(b)).

D. Smoking Prohibited in Vehicles

Smoking is expressly prohibited in all City of Twin Falls vehicles and equipment.

E. Impaired Driving

The driver must not operate a vehicle when his/her ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication, or illness, fatigue or injury.

The employee driver is obligated to report to his/her supervisor any reason that may affect his/her ability to drive safely.

F. Proof of Insurance

Employee drivers must make sure that the current insurance card is kept in the vehicle at all times. To obtain an insurance card please contact your department head or the Risk Manager.

G. Accident Reporting

- 1) In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention should it be required for themselves or others. If possible, move the vehicle to a safe location out of the way of traffic.
- 2) Drivers shall always have a police officer investigate any accident that involves a city vehicle and another party or file a written report with the Police Department if the accident involves property damage. This will help ensure that the City of Twin Falls is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a police officer, a representative from ICRMP or an authorized representative of the City of Twin Falls.
- 3) Drivers shall notify their supervisor as soon as possible of the accident and report the extent of the injuries and property damage involved.
- 4) Drivers shall comply with the city's Post Accident Drug Testing policy described in Section II, 4.

H. Traffic Violations

All fines and other criminal penalties due to violations of the law by the driver are the personal responsibility of the driver of any city vehicle. These costs are not reimbursable by the City of Twin Falls and must be paid promptly by the driver.

9. In-Service Training

Occasionally, the City will provide various training opportunities. Unless an employee is directed to attend, participation is voluntary and, as such, hours spent on a regularly-scheduled day off are not

compensable.

10. Tuition Reimbursement

In recognition of further educational pursuits, employees may apply for financial support to attend job related classes as outlined in the Tuition Reimbursement Program.

11. Exercise Facility

In an effort to promote the general well being of the employees, an exercise facility has been established in the main fire station. All employees have access to this facility on a 24-hour basis.

SECTION VIII - CHANGE OF ~~RESOLUTION~~HANDBOOK

1. Notification of Proposed Amendments

The City will notify all employees of anticipated changes in this ~~resolution~~handbook.

Employees will be given an opportunity to comment on the proposed change(s). Notification shall be a minimum of 30 days prior to the anticipated adoption date unless the change is required because of an emergency condition.

General changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the City. Therefore, the City of Twin Falls retains full authority, without prior notice, to modify the general terms and conditions of employment as necessary.

2. Duration of ~~Resolution~~Handbook

This ~~resolution~~handbook shall be effective immediately upon passage and shall remain in effect until amended. Employees or their association may request changes to the ~~resolution~~handbook by notifying the ~~-~~Human Resources Office.

~~PASSED BY THE CITY COUNCIL~~_____ ~~December 10, 2012~~

SIGNED BY THE ~~MAYOR~~CITY MANAGER
~~20~~_____

Travis Rothweiler, City Manager

Dated _____ ~~Mayor Greg Lanting~~

CITY OF TWIN FALLS EMPLOYEE HANDBOOK – OCTOBER 2018

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SECTION I - GENERAL PROVISIONS

1. Purpose

The provisions of this handbook establish, in general terms, the conditions of employment for employees of the City of Twin Falls. All prior resolutions providing general terms and conditions of employment for employees of the City of Twin Falls, as well as all other employee handbooks, are repealed and declared null and void.

2. Authority

The City of Twin Falls is governed by the Council/Manager form of government, combining the political leadership of seven elected officials with the administrative guidance of a City Manager. The City Council is the general policymaker for the City of Twin Falls and as such has primary authority to establish terms and conditions of employment.

3. Rules and Regulations

This handbook is not intended to be an exclusive source of rules and regulations concerning employment. State and federal law, association contracts and individual departments also set forth rules, policies and procedures. Subject to the concurrence of the City Manager, department heads have the authority to develop departmental rules and regulations which meet the unique operating conditions of their department as long as the rules do not conflict with the general terms and conditions of employment outlined in this handbook. If sections of this handbook conflict with provisions of the collective bargaining agreement with the Twin Falls Firefighter's Association, the provisions of the collective bargaining agreement shall prevail for those employees covered by the Agreement.

4. Changes

Provisions outlined within this handbook are established as guidelines only and should not be construed as an employment contract. Depending upon overall policy direction, cost and funding, the City reserves the right to change policies, rules, benefits and other conditions of employment as deemed appropriate.

5. Nature of Employment

All persons employed by the City are employed at the discretion of the City Manager and/or City Council and shall have no right to continued employment or benefits, except as may be agreed in writing and expressly approved by the City Council, subject to the rights and privileges set forth in this handbook. Nothing herein shall be deemed or construed to grant any employee any right or expectation of continued employment. The City Manager is the administrative head of city government, under the direction of the Council, and has general supervision over the business of the City. Idaho Code § 50-811.

SECTION II - GENERAL EMPLOYMENT POLICY

1. Equal Employment Opportunity

It is the policy of the City of Twin Falls to implement, affirmatively, equal opportunity to all qualified employees and applicants for employment without regard to race, color, national origin, gender, age, disability, religious affiliation or sexual orientation. Positive action shall be taken to insure the fulfillment of this policy in areas of solicitation for employment, hiring, training, transfer, promotion, treatment during employment and compensation.

2. Hiring Procedures

Each Department shall adhere to the general hiring procedures established by the City. Specific departmental requirements shall be administered as necessary.

3. Harassment

A. Statement of Purpose

In compliance with the intent and provisions of Title VII of the Civil Rights Act which declares that harassment, including sexual and all other types of harassment, constitutes unlawful employment discrimination, the City of Twin Falls has adopted a zero tolerance policy that will not tolerate harassment, as defined herein.

B. Policy

Harassment of an applicant for employment, an employee or member of the public, by any employee of the City of Twin Falls on the basis of age, gender, race, color, religion, national origin, disability, or sexual orientation may be in violation of Federal, State and/or local law and will not be tolerated by the City.

All employees, regardless of their status of employment, have a right to work in an environment free from intimidation, ridicule, or harassment based on age, gender, race, color, religion, national origin, disability or sexual orientation.

This policy shall apply to all terms and conditions of employment, including but not limited to, hiring, placement, training, transfer, promotion, disciplinary action, compensation, and job retention.

All City employees must avoid offensive or inappropriate behavior at work and will be held responsible for insuring that the work place is free from unlawful harassment, including sexual and all other types of harassment.

C. Definitions

Sexual Harassment, by law, is any behavior of a sexual nature which is unwelcome, not asked

for, and not returned. The behavior can be verbal, non-verbal, or physical. Sexual harassment takes its definition from two types of conduct:

- (1) "Quid Pro Quo" involves implicit or explicit requests for sexual favors that are used as a condition or basis for employment decisions.
- (2) "Hostile Work Environment" has the purpose or effect of unreasonably interfering with the employee's work performance or which creates an intimidating, hostile or offensive work environment. This behavior includes but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

Other Harassment means ethnic slurs, racial jokes, verbal/physical abuse or other offensive or persistently annoying conduct directed at someone's race, color, national origin, age, religious beliefs, ethnic background, disability or sexual orientation which:

- (1) Has the purpose or effect of creating an intimidating or hostile environment; or,
- (2) Unreasonably interferes with an individual's work performance; or,
- (3) Otherwise adversely affects an individual's employment opportunities.

Harassment shall also include any act of retaliation taken against any person bringing a complaint of harassment, assisting another person, or participating in an investigation of an act of unlawful employment discrimination.

D. Procedure

Since the passage of time may make investigations and resolution of issues more difficult, persons who believe that they have been subjected to any form of harassment are encouraged to bring these complaints to the attention of the Administration at the earliest opportunity.

Any person who believes that he/she has been subjected to harassment may bring this complaint, either verbally or in writing, to a supervisor, a department head, the Human Resources Director, the City Manager or the City Attorney. Any supervisor or department head receiving a complaint of harassment shall bring this complaint immediately to the attention of the Human Resources Director.

An investigation shall be conducted by the City Attorney and the Human Resources Director to determine the facts of the matter. Complaints of harassment will be investigated as expeditiously and professionally as possible in the interest of maintaining confidentiality and protecting the integrity of all parties involved.

Where investigations confirm the allegations, appropriate corrective action will be taken. An

employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

4. Drug Free Workplace Policy

A. Statement of Purpose

The City of Twin Falls is committed to providing and maintaining a drug free workplace for a safe, healthful and efficient working environment for all of its employees, customers and the general public.

B. Policy

The following policy is designed to set forth policies and procedures to comply with the Drug Free Workplace Act of 1988, Idaho Code § 72-1701, et.seq. and, as required, the rules and regulations promulgated by Department of Transportation (D.O.T.) 49 CFR Part 40 and 382 Rules and Regulations. In keeping with the City's objective to provide a safer and more productive work environment, all employees, prospective employees and candidates for reserve police officer are subject to the conditions and terms of this policy.

While on the job or performing official duties, employees are expected to be in a mental and physical condition which enables safe and efficient job performance. Reporting to work while impaired by alcohol or a controlled substance is strictly prohibited. "Impaired" means under the influence of a substance such that the employee's senses (i.e. sight, hearing, reflex, or judgment) are affected.

The presence of a controlled substance or alcohol which exceeds established D.O.T. standards in an employee's system at the time of a test will constitute a separate and independent violation of this policy.

The consumption of alcohol and the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including, but not limited to marijuana, cocaine, PCP, opiates, and amphetamines, while on the job or while performing official duties, is strictly prohibited. The consumption of alcohol at social functions during non-working hours is excluded from this section. EXCEPTION: Law Enforcement and Fire personnel are occasionally required to come into contact with or possess illegal substances as a regular part of their job duties. In such circumstances, these employees are exempt from the "possession" component of this policy. All other prohibitions apply.

Employees are encouraged to exercise extreme caution in the use of lawfully prescribed or over-the-counter medications, particularly those which contain a **WARNING LABEL** stating that the

use of the drug may impair their ability to safely operate equipment or machinery. Employees may be allowed to work while using such medication when the drug is prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties and who has advised the employee that the prescribed drug will not adversely affect his/her ability to safely perform their job. Further, these medications should only be taken by those persons for whom they were prescribed and only for specific treatment purposes at that time.

Any employee who is required to drive as part of his/her job duties must notify the Human Resources Department of any alcohol or drug related traffic violation which results in restrictions being imposed by law on the employee's driving privilege. Loss of an employee's driving privilege, which is required for his/her position, may be grounds for termination—depending upon the specific circumstances.

C. Implementation

Required Testing

The Drug Free Workplace Policy is not intended to violate individual rights. It is intended to meet the City's objective of safeguarding employees and the public from accidents resulting from the misuse of alcohol or use of controlled substances. Substance testing will be required under the following circumstances:

1) Pre-Employment

Applicants selected for employment with the City of Twin Falls for any position deemed safety sensitive or requiring a Commercial Drivers License (C.D.L.) must test free of illegal drugs. Failure to do so will automatically revoke the applicant's conditional offer of employment, as well as disqualify him/her from the application process for a minimum of one year, without proof of successful completion of an approved drug/alcohol rehabilitation program.

2) Reasonable Cause

An employee will be required to submit to a drug and/or alcohol test when there is reasonable cause to believe that the employee is under the influence of illegal drugs or alcohol or the abuse of prescription medication. Reasonable cause must be based on objective criteria, including specific physical, behavioral or performance indicators. Third party observations and reports, alone, will not constitute reasonable cause. A second witness, who is a trained supervisor, shall observe and/or concur to make the decision to test. This second witness could be the City Manager, City Attorney, Human Resources Director, another Department Head or on-duty Patrol Supervisor. Testing will only be administered after review and concurrence that reasonable cause exists. An employee who is tested for reasonable cause will be placed on paid

administrative leave until the drug and/or alcohol test results are received. The employee's supervisor shall see that the employee is taken home.

3) Post-Accident

An employee who is involved in a work related accident shall be required to submit to a drug and/or alcohol screen as soon as possible (within two hours) when **all** of the following conditions exist:

- *Involvement in an accident resulting in an injury to person or property;
- *An accident while operating motorized equipment, discharge of a firearm or act of physical aggression (police actions which occur during the course of an arrest are exempt unless otherwise requested by the on-duty supervisor); AND
- *Occurrence while in the course and scope of his/her employment.

An employee tested for post-accident is presumed to be drug and/or alcohol free and may report back to work following his/her submission to a drug test unless the supervisor has reason to believe that the employee is under the influence as described (b) above.

4) Random

Employees in Safety Sensitive Positions

All regular and part-time City employees who hold positions deemed as safety sensitive are subject to random drug testing. Employee names will be placed in a pool and each quarter a computerized selection process will be utilized to select employees for testing.

CDL

All employees who are required to hold a Commercial Drivers License as a function of their position must comply with D.O.T. requirements which include pre-employment, reasonable cause, post accident and random drug and alcohol testing. This requirement must be separate from any other random drug testing program.

5) Narcotic Assignment

Any personnel assigned to the Lab, Evidence or Narcotic Division, may be required to submit to a periodic drug test as requested by the Chief of Police or his/her designee.

6) Return to Duty/Follow-up

An employee who participates in a substance abuse treatment program as a result of a self referral or disciplinary action will, at a minimum, be required to submit to random drug/alcohol testing for a minimum period of one year as a condition of continued employment. Costs associated with testing will be at the employee's expense.

D. Violations of this Policy

Any of the following situations shall be considered violations of this policy and grounds for disciplinary action, up to and including termination.

- *Refusal to submit to a required drug and/or alcohol test;
- *Adulteration or substitution of a sample supplied;
- *A confirmed positive drug test and/or positive alcohol test;
- *Failure to notify the supervisor of a work related accident;
- *Failure of a person who is required to drive as part of their duties to notify the Human Resources Department of their loss of, or restrictions to, driving privileges as a result of any alcohol or drug related traffic violation;
- *Any conviction for the use, manufacture, purchase, possession, or distribution of illegal drugs.

E. Positive Test

Any prospective employee who tests positive for the presence of illegal drugs will not be offered employment with the City. Any introductory (within first 12 months of employment), temporary or seasonal employee who tests positive for the presence of illegal drugs or alcohol will be terminated.

Any regular or part-time employee (as defined by the City's Personnel Rules and Regulations) who tests positive for illegal drugs or alcohol, will be subject to disciplinary action, up to and including termination. If employment is continued, the employee will be referred to the Employee Assistance Program (EAP) for evaluation, counseling and treatment as recommended. Employees undergoing drug or alcohol rehabilitation will be expected to do so at their own expense (other than those expenses covered by the City insurance program) and on their own time. The employee may, at the discretion of the employer, be subject to other conditions of employment that will be specified in a "return to work agreement." This agreement will contain:

- *A requirement to have a negative test for drugs/and/or alcohol prior to the employee's return to work;
- *Recommendations for treatment, if any;
- *A plan for random/periodic controlled substance/alcohol testing to be completed for a period of time not to exceed 60 months;
- *A signed agreement from the employee stipulating to his/her commitment to the outlined plan and that he/she will not use controlled substances or misuse alcohol;

In the event the employee receives a second positive test for illegal drugs or alcohol, the employee will be terminated.

Employees disciplined for violations of this policy shall have the right to request a disciplinary appeal hearing as established in Section III (3) (B) of the handbook.

F. Testing Procedures

- 1) Occupational Health at St. Luke's Magic Valley Regional Medical Center (MVRMC) is the third-party administrator for the City of Twin Falls' Drug Free Workplace program.
- 2) All individuals who are required to be tested under the conditions of this policy will report to Occupational Health, 775 Pole Line Road West (8 a.m. to 8 p.m. Monday – Friday) or to St. Luke's Magic Valley Regional Medical Center laboratory (after hours, weekends or holidays) for purposes of providing appropriate samples. Other collection sites may be designated as the need arises. Positive photo identification shall be required from each individual prior to test administration.
- 3) The actual analysis of all samples will be conducted by MVRMC and/or a Substance Abuse and Mental Health Services Administration (SAMHSA) approved lab.
- 4) All sample collection activity and drug/alcohol cut-off levels will be consistent with requirements established by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, formerly NIDA, and to also assure the validity, confidentiality and security of the samples and test results.
- 5) St. Luke's MVRMC will designate a Medical Review Officer (MRO), or his designee, to interpret, evaluate and monitor the drug testing program and results. The MRO will be a licensed physician with knowledge of drugs, testing methods and drug abuse disorders.
- 6) Negative Results – The Chain of Custody Form is reviewed for completeness and accuracy, then the results are reported to the City's Human Resources Department.
- 7) Positive Results – Before a positive result is reported to the City, the individual is contacted by the MRO so that he/she may determine whether a legally prescribed medication resulted in a positive drug test. It is the employee's obligation to be available to the physician so the situation can be discussed.

If the individual does not agree with the MRO ruling, he/she has the right to request that the "split specimen" be sent to a second lab for analysis. This request must be made within 72 hours after the MRO first contacts the individual. The individual agrees to pay the cost of retesting and MRO review. If the retest is negative, the City will reimburse the individual for any lost wages, benefits and reasonable expenses resulting from the initial verified positive test.

G. Self Referral

Any employee of the City who considers himself/herself drug or alcohol dependent and who voluntarily comes forward will be referred to an Employee Assistance Program counselor for evaluation, counseling and treatment as recommended. By returning to work the employee agrees to the terms outlined by the Substance Abuse Counselor. A request for rehabilitation may not be made in order to avoid taking a drug or alcohol test when requested to do so under the terms of this policy.

H. Education

Supervisors and other management personnel will receive education that provides training in the detection of the signs and behavior of employees who may be using drugs or alcohol in violation of this policy.

I. Confidentiality

All test results will be maintained in a manner which assures the confidentiality of the test results. All test results will be maintained by the Human Resources Director and access will be limited to the employee's supervisor or as otherwise required under Part 382.301. Test results will be made available to other parties only upon specific written consent of the individual tested and to those persons who may be directly involved in any disciplinary appeal procedure.

5. Nepotism

No person shall be employed by the City of Twin Falls when said employment would result in a violation of provisions found in Idaho Code §59-701 et seq., §18-1359 or their successors. Any such appointment may be void. An employee whose relative is subsequently elected may be eligible to retain his/her position as allowed in Idaho Code §18-1359.

It is the policy of the City to avoid the hiring, transfer, or promotion of relatives of employees into situations where the possibility of favoritism or conflicts of interest might exist. The following rules shall apply to the employment of relatives of City employees. For purposes of this handbook, "relative" shall mean any person related by either blood or marriage within the second degree. Second degree shall be defined as grandparents, parents, children, brothers or sisters.

No person shall become employed in a department or division of a department where a related employee serves in a supervisory capacity over the other related employee.

If employees working in the same department or division become married to each other and one has supervisory responsibilities over the other, one of the two employees may either apply for a transfer to another department or division if an opening exists for which they are qualified or must resign

employment with the City. If neither such employee elects to resign, both employees shall be terminated from employment.

6. Criminal Action

Any employee of the City who is charged with a felony or charged with a misdemeanor involving moral turpitude, and the evidence indicates involvement of the employee, the employee may be suspended without pay pending final resolution of the matter. If the employee admits to the crime, enters a plea of guilty, or there is a finding of guilt, whether judgment is withheld or not, or if the preponderance of the evidence indicates that the employee committed or was involved in the commission of felony or in the commission of a misdemeanor involving moral turpitude, the employee may be terminated. Moral turpitude is defined as baseness, vileness, or depravity in the private and social duties which a person owes to his/her fellow person or to society in general; something immoral in itself, irrespective of the fact that it is punished by law.

7. Residency

Employees of the City of Twin Falls are not required to reside within the City limits. Employees providing an essential emergency service may be required to live within a reasonable response time of the City limits as determined by the department head and specified in subsequent sections of this handbook.

8. Other Employment

Employees of the City of Twin Falls may work a second job as long as the second job does not interfere with their performance as an employee of the City, create a conflict of interest or negatively impact the credibility of the City in any way. Prior approval may be required as specified within departmental policies.

SECTION III - STATUS OF EMPLOYMENT

1. Type of Employee

Except as otherwise provided by this Policy, required by law, or pursuant to a written contract approved by the City Council, employees of the City of Twin Falls are at-will employees and fall into one of five classifications.

A. Regular

Any employee, who works at least 40 hours per week, has completed an introductory period and is in a position which is expected to continue for an indefinite period in the foreseeable future.

B. Part-Time

Any employee, who works less than 40 hours per week, has completed an introductory period and is in a position which is expected to continue for an indefinite period in the foreseeable future.

C. Temporary

Any employee who is casually or seasonally employed either on a full or part-time basis or in a position which is fairly certain to terminate on or before a known date in the near future.

D. Introductory

All new employees of the City shall serve a 12 month introductory period commencing with their first day of employment. Upon completion of their introductory period, the Department Head or supervisor shall submit a performance evaluation to the Human Resources Department, for the City Manager's approval, recommending an extension of the introductory period, regular employee status or termination. Introductory employees are not entitled to any of the provisions of the employee handbook relating to employee discipline or the grievance procedure.

E. Promoted Employee

Any regular employee who accepts a promotion shall be placed on a six month probationary status with respect to that position. At the end of the six month period the employee shall be evaluated. Based upon the evaluation the employee shall be given an extension of the probationary status, placed on regular status or returned to the position held prior to promotion.

2. Performance

A performance evaluation shall be completed for each employee on an annual basis. Evaluations shall be reviewed with the employee, signed by both the employee and his/her supervisor and a copy submitted to the Human Resources Department. Employees who disagree with the content of the evaluation shall have the right to attach comments to the completed evaluation.

Each employee of the City is expected to maintain a competent level of performance. If any employee's performance has dropped below competent levels, the department head, or supervisor, shall discuss the problem(s) with the employee and recommend corrective action through a performance improvement plan.

3. Employee Discipline

The purpose underlying this discipline policy is to establish a consistent procedure for maintaining suitable behavior and a productive working environment. Disciplinary action may include oral reprimand, written reprimand, suspension without pay, probation, demotion, reduction in pay, and termination. Disciplinary action need not be progressive in nature.

A. Procedure: A supervisor who has cause to believe that disciplinary action may be necessary shall make a reasonable effort to ascertain all relevant facts prior to proposing or taking disciplinary action. The supervisor shall document evidence on the matter in a way that may be easily reviewed and understood by someone unfamiliar with the matter. The disciplinary action

taken should reflect consideration of the severity of the offense or performance problem, previous performance problems or offenses of a similar type and the period of time between occurrences, overall work record, and treatment of other employees under similar circumstances.

- (1) Oral reprimand: An oral reprimand occurs when a supervisor verbally admonishes an employee for an offense, and impresses the need for corrective action. The purpose is to eliminate misunderstandings and to set and maintain desired standards of conduct and performance. Although the supervisor should note the date and content of the warning for future reference, it is not recorded in the employee's personnel file at the time of the warning. An oral reprimand may not be appealed.
- (2) Written reprimand: A written reprimand occurs when a supervisor places the employee on official notice that performance or conduct must improve. The written reprimand must clearly describe the unacceptable performance and/or conduct, the corrective action required, and the time frame involved. A written reprimand is initiated by the completion of a "Notice of Proposed Disciplinary Action" on a form from the Human Resources Department. The employee shall meet with the supervisor within seven (7) calendar days of receipt of the "Notice" to discuss the proposed disciplinary action. The original written reprimand shall be forwarded to the Human Resources Department for placement in the employee's personnel file.
- (3) Suspension Without Pay, Salary Reduction, Demotion or Dismissal: These forms of disciplinary action may be taken where less severe forms have failed to improve performance, or where the violations or offenses are more severe. An employee may be suspended with pay pending imposition of any proposed disciplinary action. Discipline is initiated by completion of the "Notice of Proposed Disciplinary Action" on a form from the Human Resources Department. The "Notice" shall first be approved by the City Manager and then hand-delivered to the employee by the Department Head, or his/her designee. The "Notice" shall be signed by the Department Head and the employee must acknowledge receipt of the "Notice" by signing the form. The employee shall be provided with a copy of the "Notice" along with copies of all documents upon which the proposed disciplinary action is based. A meeting shall be scheduled with the Department Head and City Manager within seven (7) calendar days at which time the employee may respond to the allegations and/or the proposed disciplinary action. This meeting shall be informal in nature. The disciplinary action may thereafter be implemented, unless the department head wishes to alter the proposed disciplinary action, in which case the City Manager shall be consulted prior to implementing the decision.

B. Appeal: An employee may appeal the decision of a department head where the disciplinary

action includes a written reprimand, suspension without pay, salary reduction, demotion or dismissal. An appeal must be initiated within seven (7) calendar days of receipt of the disciplinary action by submitting a "Notice of Appeal" to the Human Resources Department on a form provided by that office. All appeals of disciplinary action shall be submitted to mandatory mediation and binding arbitration. The employee and the City shall each have the right to the disqualification of one mediator and one arbitrator. If mediation fails, the decision of the arbitrator shall be final. The cost of mediation and arbitration processes shall be divided equally between the employee and the City unless otherwise agreed upon during the respective process.

4. Reduction in Force (Layoff)

The City may, as a result of financial constraints, changes in the types of services, methods of delivering service or for any other reason deemed appropriate by the City Council, cause a reduction in force. The criteria to be used by the City in determining which employees will be laid off follow below.

- A. The City shall designate position classifications by department or division where reductions are to occur.
- B. Within divisional units, employees assigned to position classifications designated for reductions will be listed by most recent continuous seniority with the City. Seniority is defined as that period of time between the layoff date and the most recent date the employee was permanently hired by the City.
- C. According to the list established in B above, employees with the least amount of service will be laid off until the required number of positions is obtained.
- D. Upon written request to the department head, employees designated for layoff may, at their option, bump employees with less continuous seniority in the lowest position within the division where the layoff is designated. The employee exercising bumping privileges shall be assigned to the final base pay for the position, not to exceed their current base wage.

When a vacancy occurs in higher level positions within the division, the employee who has exercised bumping privileges shall be given first opportunity to fill the position if:

- 1) The higher level is of equal or lower rank than the position held prior to the reduction in force;
- 2) The employee possesses necessary qualifications for the position.

This promotion preference policy shall continue until the employee has attained rank most nearly equivalent to, without exceeding, the rank formally held.

The department head shall develop a promotional preference list based primarily on former rank and

secondarily on seniority. Promotions from the list shall commence with the highest former rank/most seniority and end with the lowest former rank/least seniority.

Employees designated for layoff may be considered for vacancies in other departments or positions if the employee meets the minimum qualifications for the job and the department head in which the vacancy exists accepts transfer of the employee to fill the vacancy.

Employees who are laid off will be given first opportunity to fill vacancies within the department from which they were laid off, if the individual meets the minimum qualifications for the job and the head of the department in which the vacancy exists offers the position to the individual. The rehire provisions of this section shall be considered a "one time" opportunity for the laid off individual. If the offer for reemployment is not accepted, the City shall have no continuing obligation to the former employee.

The City shall attempt to provide employees designated for lay off with a minimum of 30 days advance notification.

5. Grievance Procedure

A grievance shall be defined as a dispute or disagreement raised by an employee against the employer involving the interpretation or application of specific conditions of the employee handbook, ordinances, contracts or regulations of the City of Twin Falls including an allegation of constructive discharge, but excluding disciplinary action.

An aggrieved employee or former employee has from the beginning of the alleged problem fourteen (14) calendar days in which to file the grievance. The filing period may be extended if both parties are working informally to resolve the problem. The extension should be in written form, signed by both parties. If the issue cannot be resolved either party should notify the other that impasse has been reached. The filing period will commence with the date of impasse. An aggrieved employee shall first submit the grievance in writing on a form provided by the Human Resources Department. The submittal shall include all pertinent facts as determined by the employee, the basis for the grievance expressed in terms of the specific rules or regulations alleged to be misinterpreted and the action the employee believes the City should take as a result of the grievance filing.

The department head shall make a written report on his findings and decision concerning any such grievance, which report shall be submitted to the City Manager within two (2) working days of receipt of the written grievance or as soon thereafter as possible.

The City Manager shall review the department head's decision and may interview all interested parties and then shall make his decision concerning said grievance. The City Manager shall provide his decision in writing to the aggrieved employee within five (5) working days of receipt of the department head's report or as soon as possible.

If either the department head or the City Manager is unable to respond to the grievance within the prescribed time frame, notification including an approximate completion date will be provided to the grievant.

An employee may appeal the City Manager's decision by requesting a hearing before the City Council. Said request must be made in writing to the Human Resources Department within seven (7) calendar days following receipt of the City Manager's decision. The matter will be placed on the Council agenda, either as a regular agenda item or as a special meeting.

SECTION IV - COMPENSATION

1. Fair Labor Standards Act

The City of Twin Falls will adhere to all provisions and regulations of the Fair Labor Standards Act as it applies to City Employees. The Human Resources Department will maintain a separate list of positions which have been determined to be (1) exempt, (2) non-exempt, (3) excluded from the provision of the Fair Labor Standards Act.

2. Pay Plan

The City Council shall adopt by Resolution a pay plan prior to the commencement of each fiscal year outlining the pay rates for the various position classifications within the City. The salary will be considered compensation for all hours worked within the employee's normal work schedule. At the option of the City Council, salaries may be adjusted on an annual basis or in such other manner as deemed to be equitable by the City Council.

3. Pay Day

All employees will be paid on a bi-weekly basis unless otherwise exempted by contract. Pay checks will be issued on the Friday following the end of the prior two week timecard period. If the regular pay day falls on a holiday, pay checks will be distributed on the last work day preceding the holiday. Pay advances and draws on paychecks prior to pay day shall not be allowed.

4. Work Out of Classification Pay

Employees, exclusive of department heads and the assistant department head, who are required to accept the responsibilities and carry out the duties of a position or rank above that which they normally hold for a period of at least eight (8) consecutive hours, shall be paid at the rate for that position or rank while so acting. Supervisory personnel acting in the capacity of the department head for a period exceeding eight (8) consecutive hours shall be compensated at a rate equal to one-half (1/2) of the difference between their regular hourly rate of pay and the department head's regular rate of pay.

5. Longevity Pay

Longevity pay shall be calculated for all employees at the rate of \$4.00 per month for each year of service commencing with the start of the sixth consecutive year of service. Longevity shall be paid bi-weekly, except as otherwise determined by contract. Part-time employees shall be

eligible for a pro-rated payment based upon their "normal" work period. A maximum payment of \$100.00 per month shall be earned upon completion of the 25th year of service.

6. Certification Pay

Certification pay shall be awarded in accordance with the certification pay program as established by the City Council. The maximum certification allowance shall be \$150.00 per month except as otherwise provided in this handbook. It is paid bi-weekly, except as otherwise determined by contract.

7. Insurance Coverage

The City will make several different types of insurance plans available for regular, introductory, and part-time employees after a 90-day waiting period. The amount of premium paid will be determined by Resolution of the City. Each regular, introductory or part-time employee may, at his/her option and expense, insure dependents under the City's group policy subject to the terms authorized by Council directive. Temporary employees shall not be entitled to insurance benefits.

The City will provide a dental insurance policy for regular, introductory and part-time employees. Each employee may, at his/her option and expense, insure dependents under the City policy subject to the terms and conditions of the insurance policy.

The City will provide a Term Life insurance policy for regular, introductory and part-time employees.

The City will provide a Long Term Disability insurance policy for regular, introductory and part-time employees.

The City will make available a Flexible Spending Account (FSA) as authorized by IRS Code 125 to regular, introductory and part-time employees.

In compliance with The Consolidated Omnibus Budget Reconciliation Act (COBRA) the City will offer continuation of insurance coverage to individuals and/or dependents who have a qualifying event (i.e. divorce, termination, death, etc.).

If the employee or the qualifying dependent elects this continuance provision they will be required to pay the full premium amount plus an additional percentage to cover the added administrative costs.

At the option of the City Manager, the City may provide on a payroll deduction basis other insurance

and policies for employees. Voluntary insurance programs currently available include: Life insurance, cancer insurance, accident insurance, and long term care.

8. Retirement

In accordance with State law and the Public Employee Retirement System of Idaho (PERSI), all eligible employees shall be required to subscribe to the City retirement program.

The City will make available to all employees a voluntary deferred compensation program. The City's involvement in the program shall be limited to the deduction of a specified amount from each member's paycheck and the forwarding of that amount to the program administrator. The City recognizes no fiduciary responsibility for the outcome of the investments of the deferred income fund.

Retired City employees may be hired by the City on a part-time or temporary basis, subject to the requirements prescribed by PERSI for short periods of specialty work for which they are well trained. These employees shall be considered temporary and are not eligible for benefits of sick leave, vacation or medical insurance.

9. Retirement-Health Care Savings Plan

Employees who have reached their maximum sick leave accrual shall have the excess deposited into a dedicated retirement-health care savings plan. Time in this account can be used exclusively for the purchase of health insurance by employees (and their spouse when applicable) who retire, as defined by PERSI, prior to age 65. Once an employee qualifies for Medicare the benefit terminates and remaining funds, if any, are forfeited.

SECTION V - LEAVE

1. Holidays

The City shall observe the following days as legal holidays: New Year's Day, Dr. Martin Luther King Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Friday following Thanksgiving Day, and Christmas Day.

December 24 (Christmas Eve) shall be observed as a holiday when December 25 (Christmas Day) falls on a Tuesday, Wednesday, Thursday or Friday. When Christmas falls on a Saturday, Sunday or Monday, the Christmas Eve Holiday shall not apply.

If the holiday falls on a Saturday, the City will observe the holiday on the preceding Friday. If the holiday falls on a Sunday, the City will observe the holiday on the following Monday.

No City office may be closed longer than four consecutive days during a week in which a Holiday is observed.

Holiday pay for a part-time employee shall be earned at a rate equivalent to his/her average work day.

Temporary employees shall not be eligible for holiday pay.

2. Vacations

Each regular and introductory employee of the City shall earn vacation leave based on the accrual rate as shown in Tables I-3. The accrual rate shall be determined according to the hours of accumulated sick leave held by each employee on the first day of each pay period.

General Employee Vacation Accrual Table 1

Per Bi-weekly Pay Period		Annual Hours
Sick Leave Balance	Vacation Accrual	
0.00	3.69	96
288.01 - 480.00	4.31	112
480.01 - 600.00	4.92	128
600.01 - 719.00	5.54	144
719.01 - 720.00	6.16	160 Maximum

Police Vacation Accrual Table 2

Per Bi-weekly Pay Period		Annual Hours
Sick Leave Balance	Vacation Accrual	
0.00 - 302.40	3.88	101
302.41 - 504.00	4.53	118
504.01 - 630.00	5.17	134
630.01 - 754.96	5.82	151
754.96 - 756.00	6.46	216 Maximum

Fire Vacation Accrual Table 3

Per Monthly Pay Period		Annual Hours
Sick Leave Balance	Vacation Accrual	
0.00 - 864.00	12	144
864.01 - 1440.00	14	168
1440.01 - 1800.00	16	192
1800.01 - 2159.00	18	216
2159.01 - 2160.00	20	288 Maximum

Each part-time employee of the City shall earn vacation at a rate equivalent to his/her average workday. Part-time employees shall not receive benefit of incremental increases in vacation earning rates based on sick leave accrual. Temporary employees shall not be entitled to vacation benefits.

A new employee who is entitled to vacation benefits shall start to accrue vacation hours on the first day of the pay period in which he/she works more than 40 hours/ 3 shifts for police or fire.

Vacation may not be taken in advance of period earned. No employee is entitled to use vacation until completion of the sixth month of employment unless otherwise approved by the department head for emergency or other unusual conditions.

Regular days off shall not be computed as full working days when falling within any continuous vacation period. If an employee is eligible for the holiday benefit, holidays falling within the vacation period will not be counted as part of the vacation.

The maximum accrual of vacation shall be 160 hours, or as otherwise noted in tables 1-3 above. Vacation accruals in excess of the maximums specified above shall be converted to accumulated sick leave subject to the maximum accumulation provision. Once the maximum accumulation of sick leave is achieved, vacation balances in excess of the maximum shall expire. Emergency personnel, excluding dispatchers, regularly assigned holiday duty may accrue vacation to a total of 24 days. Each employee's vacation accrual record shall be reviewed for compliance with this section as of his/her anniversary date. The conversion date may be extended by the City Manager when work requirements do not allow vacation to be used prior to the employee's anniversary date.

Employees may utilize their accrued annual leave on the basis of approval by their department head subject to the right of the department head to plan the work under his or her control and to authorize absences only at such time as the employee can best be spared. Vacation leave shall be charged against the employee's accrual bank based on the hours of vacation used during the pay period.

Employees may elect to use a portion of their accrued vacation hours for payment or to purchase additional hours of sick leave. To be eligible for the vacation sell-back program, certain restrictions apply. They include:

- Must be an employee of the City for a minimum of one (1) year.
- Must have two weeks (80 hours general employees/84 hours sworn officers/144 hours fire personnel) of accrued vacation at the time of the request.
- Must have taken a minimum of 2 weeks (80 hours general employees/84 hours sworn officers/144 hours fire personnel) vacation in the preceding 12 month period.
- Vacation hours may only be sold once during any fiscal year.
- The maximum number of hours an employee can sell is 40 general employees/42 hours sworn officers/72 hours fire personnel.
- When leaving the services of the City, an employee shall be compensated at his/her current hourly wage for any accrued vacation balance.

3. Sick Leave

Each full-time and introductory employee of the City shall earn sick leave based on the accrual rate shown in Tables 4-6. The accrual rate shall be determined according to the hours of accumulated sick leave held by each employee on the first day of each pay period.

General Employee Sick Leave Accrual Table 4

Per Bi-weekly Pay Period			Annual Hours
Sick Leave Balance		Sick Leave Accrual	
0.00	-	288.00	96
288.01	-	480.00	112
480.01	-	600.00	128
600.01	-	719.00	144
719.01	-	720	1.23 Leave deposited into retirement hours bank

Police Sick Leave Accrual Table 5

Per Bi-weekly Pay Period			Annual Hours
Sick Leave Balance		Sick Leave Accrual	
0.00	-	302.40	101
302.41	-	504.00	84
504.01	-	630.00	67
630.01	-	754.95	50
754.96	-	756.00	34
756		1.29 Leave deposited into retirement hours bank	

Fire Sick leave Accrual Table 6

Per Monthly Pay Period			Annual Hours
Sick Leave Balance		Sick Leave Accrual	
0.00	-	864	288
864.01	-	1440.00	240
1440.01	-	1800.00	192
1800.01	-	2159.00	144
2159.01	-	2160	96
2160		Leave deposited into retirement hours bank	

Each part-time employee earns sick leave at a rate equivalent to his/her average work day.

Temporary employees shall not be entitled to sick leave benefits. A new employee who is entitled to sick leave benefits shall start to accrue sick leave hours on the first day of the calendar month nearest to the date of starting employment.

For purposes of this handbook, sick leave shall be defined as the absence from work of an employee

due to personal illness, or the serious illness or death of an immediate family member requiring the employee's attention. For purposes of this section immediate family shall be defined as spouse, children, parents of the employee and employee's spouse.

As a matter of policy, the sick leave benefit shall be considered a privilege rather than a right of employment. Sick leave may be used as allowed in this handbook, but for no other purpose. Any abuse of the sick leave benefit shall result in strict disciplinary action and potential termination.

When an employee finds it necessary to use the sick leave privilege, the employee shall report the fact to the department head or supervisor in accordance with departmental policy. The use of sick leave shall not be authorized until documented on the employee's timecard, signed and approved by the department head. The department head may require a doctor's release prior to sick leave pay for time not worked when the employee's sick leave record indicates a health problem, susceptibility to recurring illness or frequent serious illness in the employee's family.

Sick leave may be accumulated if not used during the year earned, subject to the maximum accruals reflected in tables 4-6 above.

Sick leave may not be taken in advance of the period earned. Family Medical Leave or leave of absence without pay may be allowed as provided in this resolution. When leaving the services of the City, an employee shall not receive pay for any unused sick leave.

4. Bereavement Leave

In the event of a death in the immediate family of an employee, the employee may be granted up to three (3) shifts off with pay. The immediate family, whether related by blood or marriage, shall be defined as spouse, children, grandparents, mother, father, brother or sister of the employee and those of the employee's spouse. The employee's supervisor shall be notified as soon as possible prior to use of this leave.

5. Family Medical Leave Act (FMLA)

A. In order to comply with the Family and Medical Leave Act (FMLA) of 1993, eligible employees are entitled to twelve (12) weeks of leave for the following reasons:

- 1) The birth or placement for adoption or foster care of a child, within twelve (12) months of the birth or adoption;
- 2) The serious health condition of a spouse, child or parent;
- 3) The employee's own serious health condition;
- 4) Military Caregiver Leave (twenty-six weeks);
- 5) Qualifying Exigency Leave

- B. For employees whose spouses are employed with the City, leave may be limited to a combined total of up to twelve (12) weeks of unpaid leave in a twelve (12) month period if the leave is taken for the birth of a child, placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

C. Definitions

For purposes of the Family Leave policy, the following definitions shall apply:

- 1) Eligible Employee shall mean any person employed for at least twelve (12) months, and who has worked 1,250 hours or more during the twelve (12) months prior to the leave request;
- 2) Child shall include the biological, adopted, foster, stepchild, legal ward or a child of an individual legally acting in the parent's stead. The child must be under the age of eighteen (18) unless he/she is incapable of self-care because of physical or mental disability;
- 3) Spouse means a husband or wife as defined and recognized under Idaho State law for purpose of marriage;
- 4) Parent means biological parent or an individual who stands or stood in place of a biological parent. This term does not include parents-in-law;
- 5) Serious Health Condition is defined as an illness, injury, impairment or physical or mental condition involving either inpatient care or continuing treatment by a health care provider;
- 6) Twelve (12) month period is defined as a "rolling" twelve (12) month period, measured backward from the date an employee starts his/her FMLA leave;
- 7) Certification shall refer to a statement by a health care provider which includes:
 - a) The date on which the serious health condition began;
 - b) The probable duration of the condition;
 - c) Appropriate medical facts regarding the condition;
 - d) A statement that the employee is needed to care for a spouse, child or parent, along with the estimated length of time or;
 - e) That the employee is unable to perform his/her duties;
 - f) In the case of intermittent leave, the dates and duration of treatment to be given.

The certification notice must be provided within fifteen (15) days from the date it is requested by the City. The City may, at its expense, obtain an opinion from a second health care provider (of the City's choosing) or third health care provider (chosen jointly by the employee and the City).

D. Notice and Confirmation of Leave

An eligible employee must notify the City of the need to request FMLA leave under this policy. The employee must provide as much notice as is practical. In the event of leave for a serious medical condition or treatment which is foreseeable, employees are required to make a reasonable effort

to schedule treatment so as not to unduly disrupt work operations and to provide the thirty (30) day notice; or such notice as is practical.

E. Duration of Leave and Methods of Taking Leave

An employee may be given up to a maximum of twelve (12) weeks for a leave under FMLA. However, in situations where the reason for the leave is to care for a sick family member or for his/her own serious health condition, the employee may be permitted to use up to the twelve (12) total weeks on leave on an intermittent basis or on a reduced workweek schedule, if it is medically necessary to do so.

Under the Family Medical Leave Act an employee may take reduced or intermittent leave when it is medically necessary to care for a serious health condition for his/her family member or for the employee's own serious health condition. Employees will be required to provide additional medical certification by a qualified health care provider that states this accommodation is medically necessary. The certification must specify how long the leave will be necessary. Employees on reduced or intermittent leave may be required to transfer temporarily to an available alternative position with equivalent pay and benefits that can accommodate the recurring periods of leave or reduced work schedule.

While on family medical leave, the City may require that the employee periodically report his/her status and intention to return to work. The City may also require that an employee on family medical leave obtain subsequent re-certification of a serious health condition.

F. Benefits while on Family Medical Leave

Employees will be required to coordinate any available vacation, sick and comp. time leave before utilizing leave without pay. The paid leave will be counted toward the twelve (12) weeks of Family Medical Leave (FMLA).

Employees who do not have accrued leave time are eligible to take up to twelve (12) weeks of unpaid leave under the Family Medical Leave Act, provided that they meet the definitions of eligibility.

The City will continue health benefits for employees on family leave up to twelve (12) weeks under the same conditions as if the employee had continued to work. Except in certain circumstances, if an employee does not return from a family medical leave, he/she may be required to reimburse the City for his/her share of health premiums that were paid by the City on his/her behalf to continue his/her employee coverage(s) while on leave.

For any period an employee receives paid leave benefits, the City will deduct the employee's premium portion through payroll deductions. For unpaid leaves, an employee will be required to

make arrangements with the City to pay for his/her portion of the health, dental and supplemental insurance premiums while out on leave.

G. Effect on other City Benefits

Employees on family leave will not lose seniority or employment benefits. An employee who takes unpaid FMLA leave will not accrue vacation or sick leave while on FMLA.

Upon return from a family leave, an employee shall be returned to the same or similar position with equivalent pay, benefits and other terms and conditions of employment that he/she occupied prior to the leave, with the exception of key employees as described in section 825.218 of the Family Medical Leave Act regulations.

H. Other General Provisions

Eligible employees may exercise rights granted under this policy with complete freedom from retaliation, threat of discharge or discrimination. The City shall not interfere with or restrain, in any way, an employee's rights to family leave in compliance with this policy.

The City cannot cover all the details concerning family leave in this policy manual. Employees with questions should contact the Human Resources Department for additional information.

6. Accident Leave

The City Manager may authorize accident leave for lost time resulting from a work related injury subject to the following:

- A. The injury was caused by a work related accident and not caused by carelessness or a negligent action by the employee;
- B. The employee has submitted a doctor's report verifying that all lost time was caused by the injury.

Regardless of the severity of an injury, employees are required to report job related injuries to their supervisor as soon as possible. In addition, an accident report must be filed with the Human Resources Department as soon as feasible following the incident.

If medical treatment is required as a result of an injury, employees are to report to Occupational Health, St. Luke's MVRMC. For injuries requiring emergency services, or occurring outside of normal hours for Occupational Health, employees should report directly to the emergency room at St. Luke's.

As a result of the filing of an accident report, the City may require the employee to undergo an initial medical examination or may direct efforts to verify statements made concerning the circumstances surrounding the injury. If the injury appears to require a lengthy recovery period, on-going medical reports may be required.

The City will continue an employee's regular salary as a result of an on-the-job injury. Time loss benefits paid directly to an employee from the State Insurance Fund will then be deducted from the employee's paycheck. It is the responsibility of the injured employee to provide documentation to the payroll office verifying the amount paid. When an employee is eligible to receive compensation from the State Insurance Fund and receives a limited-duty statement from his/her physician, the employee may be expected to return to work to perform duties as assigned. The temporary reassignment may be in another department and may include a change in the regular tour of duty. Refusal to accept bona fide limited-duty work may be cause for the State Insurance Fund to discontinue Worker's Compensation benefits and for the City to discontinue the accident leave benefit.

The maximum accident leave benefit shall not exceed 90 calendar days. At such time as it is determined that the employee is unable to return to work, any authorized accident leave will be terminated. If the 90 day maximum is exhausted the employee may, at his/her option, make up the difference between the Worker's Compensation check and the employee's full base pay by charging earned vacation. The sick leave benefit shall not be used for work related injuries or illnesses. An employee who does not have earned vacation to cover the pay differential receives only those earnings covered by the worker's compensation check.

7. Leave of Absence Without Pay

Upon request from an employee the City Manager may grant a leave of absence without pay for a period not to exceed 30 days. Except in cases of extreme emergency, leave of absence without pay may be granted only upon written request submitted through the department head at least 48 hours in advance of the time the leave is requested to be taken. Leave of absence for a period exceeding 30 days may be granted by the City Council who will establish the terms upon review of the written request. In order to maintain the health insurance benefit, the employee may, at his/her option, pay the full premium.

8. Military Leave

The City will comply with all aspects of the Uniformed Services Employment and Reemployment Rights Act (USERRA) as prescribed by Federal Law.

Employees who are called for military training or service shall be granted a leave of absence, without pay, during the actual duration of such services. The department head may hire a temporary employee to take the place of employees on military leave. The temporary employee

shall be terminated upon the full or part time employee's return to work. Non-war time military leaves shall be limited to six (6) months unless extension is granted by the City Council.

Employees enlisted in the Idaho National Guard or organized reserve corps shall be entitled to military leave with one-half (1/2) pay for a period not to exceed 12 working days per year subject to review and approval of the department head and City Manager. Military leave will not affect vacation or sick leave. Military leave with one-half (1/2) pay will not be granted until an employee has completed at least 12 months continuous employment with the City prior to such leave. An employee may, at his/her option, use vacation to make up the difference between City military pay and the employee's regular rate of pay.

9. Jury Duty

Leave will be granted to full-time and regular part-time employees called to serve as a juror or witness for any federal, state, or local court of law on a day that would have been a regularly scheduled work day. Jury duty or court leave shall not apply for any court case involving a personal matter.

Documentation of court fees paid by the court and received by an employee, except for mileage reimbursement, shall be provided to the payroll office upon receipt.

SECTION VI - SPECIAL DEPARTMENTAL PROVISIONS

1. Administrative

A. Definition

For purposes of this handbook, Administrative Departments shall consist of City Manager, Finance, Engineering, Community Development, Economic Development, Human Resources, Information Services and Building Inspection.

B. Promotion Procedure

The goal of the promotion policy is to provide all qualified employees a fair and equitable opportunity to compete for promotional positions.

A job description will be published and maintained by the Human Resources Department for each position in the Administrative Departments. At least 15 days prior to the administration of a promotional selection procedure, a job notice shall be published by the Human Resources Department. The notice shall state the minimum qualifications for the job and application requirements.

C. Exempt Positions Under the Fair Labor Standards Act

Positions in Administrative Departments which are exempt under the Fair Labor Standards Act include: City Manager, Assistant to the City Manager, Public Information Officer, City Engineer, Assistant City Engineer, Staff Engineer, Community Development Director, Zoning & Development Manager, Economic Development Director, Human Resources Director, Human Resources Analyst/Risk Manager, Information Services Director, Building Official, Chief Financial

Officer, Assistant Finance Director, Finance Accountant, and Budget Manager.

D. Work Period

The work period for all Administrative Departments shall commence at 12:00 A.M. on Sunday and will end at 11:59 P.M. on Saturday seven days later.

E. Overtime

All overtime paid by the City will be administered in accordance with the requirements of the Fair Labor Standards Act. For all non-exempt personnel in the Administrative Departments all hours worked in excess of 40 hours in a 7 day work period shall be compensated at the rate of one and one-half times the employee's regular hourly rate. Hours worked outside the normal period that do not exceed 40 hours in the 7 day work period shall be compensated at straight time.

All absences from work, except vacation and compensatory time, will be excluded from the calculation of hours worked for overtime purposes. Vacation and compensatory time will be included in the calculation of hours worked for overtime purposes.

Overtime shall be paid in compensatory time-off. Employees may accumulate a maximum of 60 hours of compensatory time. All hours which exceed the 60 hour maximum shall be bought back in accordance with the provisions of the Fair Labor Standards Act.

Each Department shall have the authority to adjust its work schedule provided the work shifts do not total more than 40 hours in a 7 day work period.

F. DeMinimis Rule

The Department of Labor has recognized that insubstantial or insignificant periods of time outside the scheduled working hours which cannot, as a practical administrative matter, be precisely recorded for payroll purposes may be disregarded. (785.47) This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration and where the failure to count such time is due to considerations justified by industrial realities.

G. Meal Periods

Meal periods for non-exempt employees in the Administrative Departments shall not be included in calculation of total hours worked. During meal periods employees are completely relieved from all work responsibilities except as otherwise approved by the Department Head or Supervisor.

H. Call Back/Hold Over

Employees called back to duty shall be paid for a minimum of two (2) hours in accordance with Section VI-1-E of this handbook. Actual time shall be compensated if it exceeds the two-hour minimum. Employees held over at the end of their shift shall be paid for a minimum of one (1)

hour in accordance with Section VI-1-E of this handbook. Actual time shall be compensated if it exceeds the one hour minimum. All call back and/or hold over hours must have prior supervisory approval.

I. Bulletin Board

A bulletin board shall be provided in a central location within City Hall for information of general interest to employees.

J. Employees Golf Rates

In order to promote physical fitness, the City agrees to establish employee rates for golf course use. The employee rate shall be equal to one-half (1/2) the regular rate. The employee rate shall apply to City employees only. A reduced rate will be allowed on couple and family season passes.

2. Police

A. Promotion Procedure

The goal of the promotion policy is to provide all qualified employees a fair and equitable opportunity to compete for promotional positions within the department.

A job description shall be published and maintained by the Human Resources Department for each position in the department. The job description shall state the minimum qualifications for each position in the department. When a position becomes vacant, an applicant pool shall be formed through testing procedures which may include but not be limited to written tests, oral interviews and assessment center exercises. At least 15 days prior to the administration of a promotional test, a job notice shall be issued by the Human Resources Department. The notice shall state the minimum qualifications for the job, the testing procedure to be used and the weight to be given to each step in the procedure. Those passing each phase of the test shall be placed in the pool. The pool shall remain in effect for a period of one year.

B. Departmental Rules and Regulations

The department may adopt policies and/or procedures to supplement those set forth in this handbook.

C. Exempt Positions Under the Fair Labor Standards Act

Exempt positions within the police department include Police Chief, Police Captain and Police Lieutenant. Other positions may be added to or deleted from the list by the Human Resources Department as required in order to fulfill the requirements of the act.

D. Work Periods

Section 7(K) of the Fair Labor Standards Act allows public agencies to establish work periods of 7

to 28 days for the purpose of computing overtime compensation. The work period for non-exempt police officers shall commence at 12:00 a.m. and ends at 11:59 p.m. 14 days later. The work period for all other personnel within the department shall be seven (7) days, commencing at 12:00 a.m. Sunday and ending at 11:59 p.m. the following Saturday. For purposes of this handbook, the term "police officer" shall mean non-exempt patrol officers and detectives, and shall not include dispatchers or clerical personnel.

E. Overtime

All overtime for employees of the Police Department, sworn and non-sworn, will be paid by the City in accordance with the requirements of the Fair Labor Standards Act. For non-exempt police officers all hours worked in excess of 85.5 hours in a 14 day work period will be compensated at the rate of one and one-half times the normal hourly rate. Hours worked outside of the normal work schedule that do not exceed 85.5 hours in a 14 day period will be compensated at one times the regular hourly rate. For all other employees in the department overtime shall be compensated at the rate of one and one-half times the regular hourly rate for all hours worked in excess of 40 hours in a seven day work period.

All absences from work, except vacation and compensatory time, will be excluded from the calculation of hours worked for overtime purposes. Vacation and compensatory time will be included in the calculation of hours worked for overtime purposes.

F. Court Time

Any officer called to attend or appear at any court hearing during off-duty hours shall be compensated in accordance with the overtime provisions of this handbook for a minimum of two hours. If more than one court hearing is scheduled within the two-hour minimum, no additional compensation will be granted. If, however, the total time spent exceeds the two hour period, actual hours worked are then compensable. (See examples below).

Example	Scheduled Court Time	Departure Time	Compensable Time
#1	1:00, 2:00, 2:30	2:45	2 hours
#2	9:00, 3:00	9:15 - 3:30	4 hours
#3	1:00	3:30	2.5 hours

Notification of court appearances during off-duty hours shall be scheduled 18 hours in advance and cancellation of court appearances during off-duty hours must be made 18 hours in advance of the scheduled court hearing. Failure to comply in either case will result in a minimum compensation of two hours. Payment will be made in accordance with Section VI-2-E of this handbook. Notification will be made by use of the recorded message system in the police department.

Any officer scheduled to appear at any court hearing outside of Twin Falls County must have supervisory approval prior to the hearing date. Hours worked will be compensated in accordance with the overtime provisions of this handbook.

G. Standby Pay

Employees who are required to perform standby or on call duty shall receive an additional day's pay for each week of standby duty.

While on standby duty employees shall be available for immediate response to emergency and/or service calls. Actual hours worked while on standby duty shall be compensated in accordance with the provisions of the Section VI-3-E and H. Hours worked under this section shall be checked and approved by the department head prior to payment.

The employee who has standby duty on a holiday will receive the hourly equivalent added to his/her vacation balance.

H. Call Back/Hold Over

Employees called back to duty by a supervisor shall be paid for a minimum of two hours in accordance with Section VI-2-E of this handbook. Call back shall be defined as that period of time when an employee is requested to report back for duty to his/her normal or pre-arranged work site.

Calls received at home for informational purposes are not considered "call back" and are not subject to the two-hour minimum. The actual time spent shall be included as time worked and shall be compensated to the nearest 1/4 hour.

Employees held over at the end of a shift shall be paid for a minimum of one hour in accordance with Section VI-2-E of this handbook. Actual time shall be compensated if it exceeds the one-hour minimum. Both call back and hold over must receive prior approval by a supervisor.

I. DeMinimis Rule

The Department of Labor has recognized that insubstantial or insignificant periods of time outside the scheduled working hours which cannot, as a practical administrative matter, be precisely recorded for payroll purposes may be disregarded. (785.47) This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration and where the failure to count such time is due to considerations justified by industrial realities.

J. Clothing Allowance

The City will provide uniforms, leather gear, weapons and protective devices. Plain clothes positions will be provided a uniform allowance in the amount of \$300 per year.

K. Holidays

Patrol officers and other 24 hour emergency personnel regularly assigned to duty on holidays shall be granted the equivalent City recognized vacation days per year to compensate for holidays worked. All other employees will observe holidays as listed in the general section of this handbook.

L. Meal Periods

Meal periods for employees in the patrol division will be taken as part of the work shift subject to work load. Meal breaks shall be held to a reasonable time period but in no case shall exceed 30 minutes. All other employees of the department will take meal breaks outside of work hours. Meal breaks for non-sworn employees are off-duty and are completely relieved from all work responsibilities.

M. Grievance Procedure

The grievance procedure for employees assigned to the police department will be the same as the procedure outlined in the general provisions of this handbook.

N. Discrimination

The employer agrees not to discriminate against any employee for his/her activity in behalf of, or membership in, or non-membership in the Fraternal Order of Police (FOP), Lodge #22. The employer and the association agree that there shall be no discrimination against any employee because of race, creed, color, national origin, gender, religion, or sexual orientation.

O. Association Business

With the approval of the Police Chief or his/her designee, the FOP may use the police station classroom for association business meetings, subject to a maximum of 15 meetings per year.

P. Association Bulletin Boards

The employer agrees to furnish space for one suitable bulletin board to be supplied by the FOP in a convenient place in the police station. The association shall limit its posting of notices and bulletins to such bulletin boards for the purpose of posting notices of association meetings, association elections, association election returns, association appointments to office and association recreational or social affairs. The association agrees to limit the posting of such notices to its bulletin board space. It is specifically understood that no notices of a political or inflammatory nature shall be posted.

Q. Certification Pay

Certification pay shall be awarded in accordance with the certification pay program as established by the City Council.

Intermediate\$50.00
Advanced \$50.00
Masters/Supervisory/Management ...\$50.00

Dispatchers:

Level II..... \$50.00
Level III..... \$50.00
Advanced \$50.00

Records and Clerical:

12 semester units \$50.00
24 semester units \$50.00

The monthly maximum certification pay is \$150.00.

R. Employee Golf Rates

In order to promote physical fitness, the City agrees to establish employee rates for golf course use. The employee rate shall be equal to one-half (1/2) the regular rate. The employee rate shall apply to City Employees only. A reduced rate will be allowed on couple and family season passes.

S. Bereavement Leave

In the event of a death in the immediate family of an employee, the employee may be granted up to three shifts off with pay. The immediate family shall be defined as spouse, children of the member, grandparents, mother, father, brother, sister of the member and those of the member's spouse. The employee's immediate supervisor shall be notified as soon as possible prior to use of this leave.

T. Safety Program

Employees and the FOP may submit through the standard channel of communications to the Chief, reports, investigation, suggestions, recommendations and review of all accidents, deaths, injuries or illness pertinent to the police service.

The Chief shall evaluate such communications and forward to the City Manager.

3. Public Works

A. Definition

For purposes of this handbook Public Works Departments shall include Airport, Wastewater Collection, Vehicle Maintenance/Shop, Water, Streets, Parks and Recreation.

B. Promotion Procedure

The goal of the promotion policy is to provide all qualified employees a fair and equitable opportunity to compete for promotional positions within the department.

A job description will be published and maintained by the Human Resources Office for each position in the public works departments. The job description shall state the minimum qualifications for each position.

At least 15 days prior to the administration of a promotional position selection procedure, a job notice shall be published by the Human Resources Office. The notice shall state the minimum qualifications for the job and testing procedure requirements.

C. Exempt Positions Under The Fair Labor Standards Act

Exempt positions by department are: Airport Manager, Public Works Coordinator, Water Superintendent, Streets Superintendent, and Superintendent of Parks and Recreation.

D. Work Periods

The work period for all Public Works Departments shall be 7 days commencing at 12:00 a.m. Sunday morning and ending at midnight the following Saturday.

E. Work Hours/Overtime

All overtime paid by the City will be administered in accordance with the Fair Labor Standards Act. All hours worked in excess of 40 hours in a 7 day work period shall be compensated at the rate of one and one-half times the regular hourly rate. Hours worked outside the normal work period that do not exceed 40 hours in the 7 day work period shall be compensated at straight time.

All absences from work, except vacation and compensatory time, will be excluded from the calculation of hours worked for overtime purposes. Vacation and compensatory time will be included in the calculation of hours worked for overtime purposes.

Overtime for all Public Works Departments shall be paid in compensatory time-off. Employees may accumulate a maximum of 60 hours of compensatory time. All hours which exceed the 60 hour maximum shall be bought back in accordance with the provisions of the Fair Labor Standards Act.

Each department shall have the authority to adjust its work schedule during seasonal periods in order to more efficiently meet the objective of the department. Work shifts shall not total more than 40 hours in a 7 day work period. If a change in work shift causes a holiday to fall on a normal day-off, then the day before the holiday shall be observed as the holiday.

F. DeMinimis Rule

The Department of Labor has recognized that insubstantial or insignificant periods of time outside

the scheduled working hours which cannot, as a practical administrative matter, be precisely recorded for payroll purposes may be disregarded. (785.47) This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration and where the failure to count such time is due to considerations justified by industrial realities.

G. Residency

There may be times when employees in Public Works Departments will be called upon to provide essential emergency service. Employees are required to live within the following mileage requirements of Twin Falls.

Wastewater	10 miles
Water	15 miles
Parks	25 miles
Streets	15 miles

H. Standby Pay

Employees who are required to perform standby or on call duty shall receive an additional day's pay for each week of standby duty.

While on standby duty employees shall be available for immediate response to emergency and/or service calls. Actual hours worked while on standby duty shall be compensated in accordance with the provisions of the Section VI-3-E and H. Hours worked under this section shall be checked and approved by the department head prior to payment.

The employee who has standby duty on a holiday will receive the hourly equivalent added to their vacation balance.

I. Call Back/Hold Over

Employees called back to duty by a supervisor shall be paid for a minimum of two (2) hours in accordance with Section VI-3-E of this handbook. Call back shall be defined as that period of time when an employee is requested to report back for duty to his/her normal or pre-arranged work site. Employees called back to duty shall be paid for a minimum of two (2) hours in accordance with Section VI-1-E of this handbook. Actual time shall be compensated if it exceeds the two-hour minimum.

Employees held over at the end of their shift shall be paid for a minimum of one (1) hour in accordance with Section VI-1-E of this handbook. Actual time shall be compensated if it exceeds the one hour minimum. All call back and/or hold over hours must have prior supervisory approval.

J. Meal Periods

Meal periods for employees in the Public Works Departments will be taken as part of the work

shift subject to work load. Meal breaks shall be held to a reasonable time period but shall not exceed 20 minutes.

K. Bulletin Board

Each Public Works Department shall provide a bulletin board in an assembly area for information of general interest to employees.

L. Clothing

The City will provide uniform shirts for employees in all Public Works Departments. Coveralls will be provided as needed.

M. Golf Rates

In order to promote physical fitness, the City agrees to establish employee rates golf course use. The employee rate shall be equal to one-half (1/2) the regular rate. The employee rate shall apply to City employees only. A reduced rate will be allowed on couple and family season passes.

SECTION VII - MISCELLANEOUS

1. City Identification Cards

All city employees shall be issued an identification card that lists the employee's department and employee number. Identification cards are to be used for verification purposes when making purchases on behalf of the city as well as when requested by citizens.

2. Travel on City Business

While traveling on City business each employee is expected to conduct himself/herself in a manner which will not discredit the City. An employee on approved City business may be reimbursed for actual expenses incurred in the course of conducting the business in accord with the policies established by the City's travel policy. Entertainment or other personal expenses not directly involved in the conduct of City business are not reimbursable.

3. Safety

Each department of the City shall develop safety procedures in order to minimize and avoid on the job injuries. When safety equipment is provided, City employees shall make use of the equipment.

4. Use of City Equipment

City equipment was purchased for the purpose of assisting employees in the delivery of service to the community. Under no conditions may City equipment be used for personal purposes without prior approval from the City Manager or his designee.

5. Use of Computer, Internet and E-Mail

All computer equipment that is supplied to employees is the property of the City of Twin Falls and must not be altered or added to in any way without the prior knowledge of and authorization from the Information Services Department.

Employees should have no expectation of privacy in anything they create, store, send or receive on the computer system. The City of Twin Falls reserves the right to review at any time and without prior notice any material created, stored, sent or received on individual computers, the Local Area Network, e-mail system or through the Internet. This ensures compliance with internal policies and general management of the Information Systems. The City of Twin Falls routinely logs web sites visited, files downloaded, time spent on the Internet, and related information. Department managers will receive reports of such information and use it to determine appropriate department activities.

Employees are directed to use computer resources responsibly, professionally, ethically, and lawfully. Prohibited activities include the distribution, storage or display of material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate. Employees may not use the City's Internet connection to download games or other entertainment software, including screen savers, copyrighted material or pirated software. Copying of software is strictly prohibited.

The email system is not to be used for distribution of political or religious materials, mass mailings, betting pools or chain letters. Employees are cautioned against wasting computer resources or unfairly monopolizing resources to include: storing or creating multiple copies of documents as well as non-business related audio, video and picture files.

Employees may not distribute through the e-mail system promotional material or advertising for private businesses.

Prior approval or authorization is required for any work to be performed from a remote access point into the City's network.

Misrepresenting or hiding a user's identity on e-mail messages is prohibited. All identifying related information within messages must reflect the actual author of the messages or postings.

If an employee abuses his/her privilege to use the Internet, it may be taken away from the employee. In addition, the employee may be subject to disciplinary action in accordance with City Policies and Procedures relating to disciplinary action, up to and including termination.

Departments are responsible for ensuring that employees are aware of the policy and procedures for computer usage, the city's network and e-mail system and the Internet.

6. Use of City Credit Card

Prior authorization is required for any and ALL credit card purchases. Please obtain a MasterCard approval form and complete the explanation of charges section. The authorizing signatures of the Department Head and City Manager are required before the credit card will be issued for use. Within 3 days of purchase/travel the credit card, approval form and all receipts must be returned to the Finance Department or accounts payable clerk for reconciliation.

The Cardholder must only use the credit card for legitimate business purposes and:

- A. Maintain the credit card and credit card numbers in a secure location at all times;
- B. Charge Employee's expenses only; non-employee's expenses may not be included;
- C. Adhere to the purchase limits and restrictions of the credit card and ensure the accumulated transaction amounts do not exceed authorized limits;
- D. Obtain all sales slips, register receipts, and/or credit card slips to provide to the Finance Department for reconciliation, approval and allocation of transactions;
- E. Gasoline credit cards are to be used to purchase gasoline or automobile supplies for city vehicles only;
- F. Attempt to immediately resolve disputes or billing errors directly with the vendor and notify Wells Fargo Bank and the finance department if the dispute or billing error is not satisfactorily resolved;
- G. Ensure that an appropriate credit for correction of disputed item(s) or billing error appears on a subsequent Cardholder Statement;
- H. Not accept cash in lieu of a credit to the Credit Card account;
- I. Immediately report a lost or stolen card to Wells Fargo Bank at 1-877-727-4801 (24 hours a day, 365 days a year);
- J. Immediately notify the Finance Department of a lost or stolen Credit Card at the first opportunity during business hours;

Credit card privileges may be revoked for any of the following reasons, and may also subject Cardholder to disciplinary action in accordance with City Policies and Procedures relating to disciplinary action, up to and including termination.

- A. The credit card is used for personal or unauthorized purposes.
- B. The credit card is used to purchase any substance, material, or service, which violates policy, law or regulation pertaining to the City.
- C. The Cardholder splits a purchase to circumvent the preset transaction limits.
- D. The Cardholder uses another cardholder's card to circumvent the purchase limit assigned to either cardholder or the purchase limits.
- E. The Cardholder fails to provide the Finance Department with required receipts.

F. The Cardholder fails to provide, when requested, information about any specific purchase.

G. The Cardholder does not adhere to all of the credit card policies and procedures.

Departments are responsible for ensuring that the cardholder receives the proper training on the policy and procedures for the use of the credit card as described in this policy.

7. Tobacco Use

In accordance with Idaho Statute Title 39 Chapter 55 – The Clean Indoor Air Act 39-5503 all areas of the workplace are smoke-free without exception. Smoking is not permitted anywhere in the workplace, including all indoor facilities and city vehicles. Smoking is not permitted in private enclosed offices, conference and meeting rooms, lunchrooms, or employee lounges. Departments may designate an outside smoking area that is not within 20 feet of an entrance of the building.

8. Use of City Vehicles

A. Use

Some employees may be assigned a vehicle that is driven home; such personal use, if allowed, is a taxable benefit.

B. Assigned or Permissive Drivers

Employees must be authorized by their supervisor to operate an agency vehicle. Each employee assigned to a City vehicle or employees who operate a City fleet vehicle are required to have a valid driver's license. Should an employee's Driver's License expire, be revoked or suspended, the employee shall immediately notify his or her supervisor. At the time of the suspension, the employee's City of Twin Falls vehicle-use privileges will be suspended until the employee's Driver's License has been fully restored and validated.

In addition to the employee assigned or permitted to drive a City vehicle, he or she may allow others, as necessary, to operate the vehicle if they have a valid driver's license and are 25 years of age or older.

C. Seatbelt Use

Except as authorized herein, all drivers and passengers are required to utilize seatbelts as mandated by law. Exception: Sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seatbelt would hinder rather than increase safety (Idaho Code §49-673(2)(b)).

D. Smoking Prohibited in Vehicles

Smoking is expressly prohibited in all City of Twin Falls vehicles and equipment.

E. Impaired Driving

The driver must not operate a vehicle when his/her ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication, or illness, fatigue or injury.

The employee driver is obligated to report to his/her supervisor any reason that may affect his/her ability to drive safely.

F. Proof of Insurance

Employee drivers must make sure that the current insurance card is kept in the vehicle at all times. To obtain an insurance card please contact your department head or the Risk Manager.

G. Accident Reporting

- 1) In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention should it be required for themselves or others. If possible, move the vehicle to a safe location out of the way of traffic.
- 2) Drivers shall always have a police officer investigate any accident that involves a city vehicle and another party or file a written report with the Police Department if the accident involves property damage. This will help ensure that the City of Twin Falls is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a police officer, a representative from ICRMP or an authorized representative of the City of Twin Falls.
- 3) Drivers shall notify their supervisor as soon as possible of the accident and report the extent of the injuries and property damage involved.
- 4) Drivers shall comply with the city's Post Accident Drug Testing policy described in Section II, 4.

H. Traffic Violations

All fines and other criminal penalties due to violations of the law by the driver are the personal responsibility of the driver of any city vehicle. These costs are not reimbursable by the City of Twin Falls and must be paid promptly by the driver.

9. In-Service Training

Occasionally, the City will provide various training opportunities. Unless an employee is directed to attend, participation is voluntary and, as such, hours spent on a regularly-scheduled day off are not compensable.

10. Tuition Reimbursement

In recognition of further educational pursuits, employees may apply for financial support to attend job

related classes as outlined in the Tuition Reimbursement Program.

11. Exercise Facility

In an effort to promote the general well being of the employees, an exercise facility has been established in the main fire station. All employees have access to this facility on a 24-hour basis.

SECTION VIII - CHANGE OF HANDBOOK

1. Notification of Proposed Amendments

The City will notify all employees of anticipated changes in this handbook.

Employees will be given an opportunity to comment on the proposed change(s). Notification shall be a minimum of 30 days prior to the anticipated adoption date unless the change is required because of an emergency condition.

General changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the City. Therefore, the City of Twin Falls retains full authority, without prior notice, to modify the general terms and conditions of employment as necessary.

2. Duration of Handbook

This handbook shall be effective immediately upon passage and shall remain in effect until amended. Employees or their association may request changes to the handbook by notifying the Human Resources Office.

SIGNED BY THE CITY MANAGER

Travis Rothweiler, City Manager

Dated _____

RESOLUTION NO. 2018-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REPEALING EMPLOYEE RESOLUTION NO. 1897, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT AN EMPLOYEE HANDBOOK.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That Resolution No. 1897, providing for general terms and conditions of employment for employees of the City of Twin Falls, is hereby repealed.

Section 2: That the City Manager is authorized to implement an employee handbook providing for terms and conditions of employment for employees of the City of Twin Falls.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

October 29, 2018.

October 29, 2018.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: Monday, October 29, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request for a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E). c/o City of Twin Falls-Troy Vitek, Assistant City Engineer (Application PZ18-0056)

Time Estimate:

Five (5) minutes for staff presentation; Five (5) minutes for questions.

Background:

N/A

Approval Process:

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning & Zoning Commission. Following the public hearing, the Commission shall forward the amendment with its recommendation to the City Council.

Once the City Council has received a recommendation from the Planning & Zoning Commission, a public hearing shall be scheduled. The City Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the City Council shall specify the regulations and standards used in evaluating the Zoning Title Amendment, and the reasons for approval or denial.

In the event that the City Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

N/A

Regulatory Impact:

If this amendment is approved City Code 10-11-9(A-E) will be repealed and replaced with the updated section and the updated regulations will then be in effect.

History:

City Code 10-11-9(A-E) was adopted in 1982. To our knowledge, there has been no significant changes to this portion of code since then.

Analysis:

This is a request to amend Title 10 of the Twin Falls City Code by repealing and replacing City Code 10-11-9 "Flood Plain Regulations" in its entirety.

The City Engineering Department has submitted the proposed Zoning Title Amendment to comply with best management practices and state and federal requirements.

Further, the proposed Zoning Title Amendment will be easier to enforce, provide more clarity on the regulations, and provide better protection to residents whom reside in flood prone areas.

Conclusion:

On September 25, 2018 the Planning & Zoning Commission voted unanimously to forward a positive recommendation on the amendment as presented.

The City Council is tasked with making a decision on this request. The council may approve the amendment as presented, approve the amendment with modifications, or deny the amendment.

Attachments:

1. ZTA PZ18-0056 Staff Report
2. 1 - Narrative
3. 2 - Proposed Twin Falls City Code Sections 10-11-9A through E Amendment

Comprehensive Staff Report



To: Planning & Zoning Commission

Presenter: Brock Cherry, City Planner

Editor: Jonathan Spendlove, Planning & Zoning Director

Authored by: Brock Cherry, City Planner

Request: Request for a **Zoning Title Amendment** to repeal and replace City Code 10-11-9 "Floodplain Regulations" A through E.

Application: PZ18-0056

Applicant: Troy Vitek, City of Twin Falls Assistant City Engineer
203 Main Ave E, Twin Falls ID, 83301
208-735-7356, tvitek@tfid.org

Public Hearing: September 25th, 2018

Analysis

This is a request to amend Title 10 of the Twin Falls City Code by repealing and replacing City Code 10-11-9 "Flood Plain Regulations" in its entirety.

The City Engineering Department has submitted the proposed Zoning Title Amendment to comply with best management practices and state and federal requirements.

Further, the proposed Zoning Title Amendment will be easier to enforce, prove more clarity, and provide better protection to residents whom reside in flood prone areas.

Approval Process

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning & Zoning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to City Council.

After City Council receives a recommendation from the Commission, a public hearing shall be scheduled where the City Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the City Council shall specify the regulations and standards used in evaluating the

Zoning Title Amendment, and the reasons for approval or denial.

In the event that the City Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

History & Background

City Code 10-11-9(A-E) was adopted in 1982. There has been no significant changes to this portion of code since then.

Applicable Regulations or Codes

Per City Code 10-14-5, The Planning & Zoning Commission, prior to recommending a Zoning Title Amendment to City Council shall conduct at least one public hearing.

If the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Conclusion

The Commission may:

- Recommend modifying the proposed Zoning Title Amendment (which may require another public hearing before the Commission).
- Recommend approval of the proposed Zoning Title Amendment to the City Council.
- Recommend denial of the proposed Zoning Title Amendment.

Attachments

1. Narrative
2. The proposed amended Twin Falls City Code Sections 10-11-9A through E to replace current City Code.

Public Hearing: September 25th, 2018

Brock Cherry

From: Troy Vitek
Sent: Wednesday, August 29, 2018 8:12 AM
To: Brock Cherry
Subject: Troy's request of adoption of new Flood Plain ordinance.

The request for the code section change is due to the Idaho model ordinance for Flood Plains has been updated and re-organized to read like a planning & zoning ordinance instead of a building inspection ordinance. This new ordinance also outlines the Statutory Authorization, Findings of Fact, Purpose, Variance & Appeals process, severability, and repeal of conflicting provisions that our previous code didn't cover. This change is a mandate from both the Federal Government and the state of Idaho to reflect current regulations in Title 44 of Federal Regulations §§ 59.1, 60.3, and 60.6. The benefits to adopting this ordinance are it is easier to enforce, more thorough, better clarity, and better protection to the residents who reside within flood prone areas. The City of Twin Falls has committed to enforcing federal requirements when it joined the National Flood Insurance Program (NFIP) many years ago. This allows residents who are in flood areas to be eligible for flood insurance. If the City chooses not to adopt the new ordinance, the State NFIP Coordinator will be unable to close the Community Assistance Visit. At that time the residents with insurance may be unable to insure their property until the City returns to compliance and adopts the recommended ordinance. Engineering has worked with the City Attorney's office and reviewed the document for compliance. A few minor modifications were adjusted and the State NFIP Coordinator has reviewed them to be compliant. It is the recommendation of Staff that P&Z recommend approval to the City Council

FLOOD DAMAGE PREVENTION ORDINANCE – IDAHO MODEL ORDINANCE

ORDINANCE NO. _____

Article I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

Section A. Statutory Authority

The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Council of the City of Twin Falls, Idaho does hereby ordain as follows:

Section B. Findings of Fact

1. The flood hazard areas of City of Twin Falls are subject to periodic inundation that results in:
 - a. loss of life and property;
 - b. health and safety hazards;
 - c. disruption of commerce and governmental services;
 - d. extraordinary public expenditures for flood relief and protection; and
 - e. impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
3. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

Section C. Statement of Purpose

The purpose of this ordinance is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life, health, and property;
2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
6. Minimize prolonged business interruptions;
7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
8. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

Section D. Objectives and Methods of Reducing Flood Losses

In order to accomplish its purpose, this ordinance includes methods and provisions to:

1. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

Article II. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory Structure (appurtenant structure): a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

Addition (to an existing building): an extension or increase in the floor area or height of a building or structure.

Appeal: a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

Area of Shallow Flooding: a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: see Special Flood Hazard Area (SFHA).

Base Flood: the flood having a one (1) percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

Basement: any area of the building having its floor sub grade (below ground level) on all sides.

Building: see Structure.

Critical Facilities: facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

Datum: the vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity: any activity defined as Development which will necessitate a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

Digital Flood Insurance Rate Map (DFIRM): the digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Elevated Building: for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation Certificate: The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Enclosure: an area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

Encroachment: the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction: for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Manufactured Home Subdivision: a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, on July 6, 1981

Existing Structures: see existing construction.

Expansion to an Existing Manufactured Home Park or Subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are

to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Determination: See Base Flood Elevation (BFE)

Flood Elevation Study: See Flood Insurance Study (FIS)

Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Zone: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Floodplain or Flood-Prone Area: any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit: any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

Floodplain Management Regulations: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation (FPE): the Base Flood Elevation plus the Freeboard.

- a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard; and
- b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Flood Protection System: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Freeboard: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be one (1) foot in areas that have a BFE and two (2) feet in areas where no BFE exists.

Functionally Dependent Use: a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade (HAG): the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

Historic Structure: a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. by an approved state program as determined by the Secretary of the Interior, or
 2. directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

1. **Letter of Map Amendment (LOMA):** an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. **Letter of Map Revision (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
3. **Letter of Map Revision Based on Fill (LOMR-F):** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement

of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

4. **Conditional Letter of Map Revision (CLOMR)**: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Levee: a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System: a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Adjacent Grade (LAG): the lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this ordinance.

Manufactured Home: a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level: for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.

Mudslide (i.e., mudflow): describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e., mudflow) Area Management: the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

Mudslide (i.e., mudflow) Prone Area: an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

New Construction: for floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after July 6, 1981 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision: a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community May 1, 1984.

Post-FIRM: construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

Pre-FIRM: construction or other development for which the “start of construction” occurred before July 6, 1981 Ordinance #2012, the effective date of the initial Flood Insurance Rate Map (FIRM).

Recreational Vehicle: a vehicle that is:

- a. Built on a single chassis, and
- b. 400 square feet or less when measured at the largest horizontal projection, and

- c. Designed to be self-propelled or permanently towed by a light duty truck, and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway: See Floodway

Remedy a Violation: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

Riverine: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA): the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate

occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (CRS – Up to 20 points for a substantial improvement threshold lower than 50%)

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this ordinance.

Technical Bulletins and Technical Fact Sheets: FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U S Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. *(This definition is OPTIONAL)*

Temperature Controlled: having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance: a grant of relief by the governing body from a requirement of this ordinance.

Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Watercourse: a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article III. GENERAL PROVISIONS

Section A. Lands to Which This Ordinance Applies

This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of City of Twin Falls. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

Section B. Basis for Special Flood Hazard Areas

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for City of Twin Falls, dated May 1, 1984, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at City of Twin Falls 203 Main Avenue East Room 218.

Section C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article IV Section B.

Section D. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

Section F. Interpretation

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of Twin Falls or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

Section H. Penalties for Violation

No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Twin Falls from taking such other lawful actions as is necessary to prevent or remedy any violation.

Article IV. ADMINISTRATION

Section A. Designation of Floodplain Ordinance Administrator

The Assistant City Engineer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

Section B. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
3. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of Article V, Section E are met.
6. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article IV, Section C.3.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article IV, Section C.3.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article IV, Section C.3.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article IV, Section C.3. and Article V, Section B.2.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article III, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other

source, including data developed pursuant to Article V, Section C.2.b., in order to administer the provisions of this ordinance.

12. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of Article III, Section B, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. *When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file. (13 is OPTIONAL)*
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of Article IV, Section D.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Article III, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

Section C. Floodplain Development Application, Permit, and Certification Requirements

1. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article III, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii. the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article III, Section B;
 - iv. the boundary of the floodway(s) or flood fringe area(s) as determined in Article III, Section B;
 - v. the Base Flood Elevation (BFE) where provided as set forth in Article III, Section B; Article III, Section C; or Article V, Section C;
 - vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

- b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - ii. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - iii. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 - c. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article V, Section B.4.d.i-vi when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
 - e. Usage details of any enclosed areas below the lowest floor.
 - f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - g. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.
 - h. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Article V, Section B.6 and 7 of this ordinance are met.
 - i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - i. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
- a. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).

- b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article III, Section B.
 - c. The Flood Protection Elevation required for the lowest floor and all attendant utilities.
 - d. The Flood Protection Elevation required for the protection of all public utilities.
 - e. All certification submittal requirements with timelines.
 - f. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.
 - g. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
 - h. All floodplain development permits shall be conditional upon the start of construction of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has commenced as per the Start of Construction definition.
 - i. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).
 - j. A statement that all materials below BFE/FPE must be flood resistant materials.
3. Certification Requirements.
- a. Elevation Certificates
 - i. A Construction Drawings Elevation Certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - ii. A Building Under Construction Elevation Certificate (FEMA Form 86-0-33) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 - iii. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built

construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- b. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- c. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article V, Section B.3.b.
- d. If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:
 - i. a description of the extent of watercourse alteration or relocation; and
 - ii. a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - iii. a map showing the location of the proposed watercourse alteration or relocation; and
 - iv. an Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the Floodplain Administrator.
- e. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:
 - i. Recreational Vehicles meeting requirements of Article V, Section B.6.a;
 - ii. Temporary Structures meeting requirements of Article V, Section B.7; and
 - iii. Accessory Structures less than 200 square feet meeting requirements of Article V, Section B.8.

4. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

SECTION D. Corrective Procedures

1. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - a. that the building or property is in violation of the floodplain management regulations;
 - b. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in

violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (____) calendar days. *(One-hundred-eighty (180) calendar days or less is recommended)* Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
5. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. Variance Procedures

1. The City Council of Twin Falls, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
2. Variances may be issued for:
 - a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - b. functionally dependent facilities, if determined to meet the definition as stated in Article II of this ordinance, provided provisions of Article IV, Section E.9.b, c, and e, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - c. any other type of development, provided it meets the requirements of this Section.
3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location as defined under Article II of this ordinance as a functionally dependent facility, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
4. The applicant shall include a written report addressing each of the above factors in Article IV, Section E.3.a-k with their application for a variance.
5. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.
8. Conditions for Variances:
- a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- a. The use serves a critical need in the community.
 - b. No feasible location exists for the use outside the Special Flood Hazard Area.
 - c. The lowest floor of any structure is elevated or floodproofed to at least the Flood Protection Elevation.
 - d. The use complies with all other applicable Federal, State and local laws.
10. The City of Twin Falls will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.
11. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

Article V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all Special Flood Hazard Areas the following provisions are required:

- 1. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- 2. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

3. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - a. be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and
 - b. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;
 - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article IV, Section E.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of Article IV, Section C.3.
12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
16. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
17. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

Section B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article III, Section B, or Article V, Section D, the following provisions, in addition to the provisions of Article V, Section A, are required:

1. **Residential Construction.** New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in Article II of this ordinance.
2. **Non-Residential Construction.** New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in Article II of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Article V, Section F.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article IV, Section C.3, along with the operational plan and the inspection and maintenance plan.
3. **Manufactured Homes.**
 - a. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation, as defined in Article II of this ordinance.
 - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - c. All enclosures or skirting below the lowest floor shall meet the requirements of Article V, Section B.4.
 - d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4. Additions/Improvements.
 - a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - i. not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - b. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - i. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - d. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a 10 year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the 10 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - i. any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
 - ii. any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
5. Recreational Vehicles. Recreational vehicles shall be either:
 - a. Temporary Placement
 - i. be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it

- is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- b. Permanent Placement.
 - i. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Article V, Section A.
6. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- a. a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
 - b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - c. the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
 - d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - e. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
7. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with Article IV, Section C.3, and the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
 - b. Accessory structures shall not be temperature-controlled;
 - c. Accessory structures shall be designed to have low flood damage potential;
 - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - e. Accessory structures shall be firmly anchored in accordance with the provisions of Article V, Section A.1;
 - f. All service facilities, such as electrical, shall be installed in accordance with the provisions of Article V, Section A.4; and
 - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Article V, Section B.4.d.
- An accessory structure with a footprint less than 200 square feet and is a minimal investment of \$7,500 or less and satisfies the criteria outlined in a - g above is not required to meet the elevation or floodproofing standards of Article V, Section B.2.

8. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
 - b. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - c. Not elevated above-ground tanks, that do not meet the elevation requirements of Article V, Section B.2 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - d. Tank inlets, fill openings, outlets and vents shall be:
 - i. at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - ii. anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
9. Construction of Below-Grade Crawlspace.
 - a. The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
 - c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
 - d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

See Technical Bulletin 11 for further information.

Caution:

Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the Base Flood Elevation (BFE).

10. Other Development in regulated floodways and flood fringe.

- a. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
- b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
- c. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of Article V, Section E of this ordinance. *The applicant/developer shall submit an application for a Letter of Map Revision (LOMR) upon completion of construction for the purpose of providing FEMA better available data. (Optional)*
- d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
- e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance

11. Subdivision plats.

Flood zones.

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxxC, & 160xxxxxxE, etc.
 FIRM effective date(s): mm/dd/year
 Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.
 Base Flood Elevation(s): AE _____.0 ft., etc.
 Flood Zones are subject to change by FEMA & all land within a floodway or floodplain is regulated by _____ chapter/section of the City/County Code.

12. Critical Facilities:

As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the “500-year flood event”). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate

protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities).

Section C. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Article III, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article V, Section A, shall apply:

The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article V, Sections A and B.
2. When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of Article V, Sections B and E.
3. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article III, Section B and utilized in implementing this ordinance. *The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued. (Optional)*
See FEMA 480 and/or FEMA 265 for further information
4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2.0 ft.) above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE) whichever is higher, as defined in Article II. All other applicable provisions of Article V, Section B shall also apply.

Section D. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Flood Fringe Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of Article V, Sections A and B; and
2. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

Section E. Standards for Floodways and Flood Fringe Areas

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Article III, Section B. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article V, Sections A and B, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
2. If Article V, Section E.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. Manufactured homes may be permitted provided the following provisions are met:
 - a. the anchoring and the elevation standards of Article V, Section B.3; and
 - b. the encroachment standards of Article V, Section E.1.

Section F. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article IV, Section C.3, and Article V, Section B.2.
3. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

Article VI. LEGAL STATUS PROVISIONS

Section A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted July 6, 1981 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of City of Twin Falls enacted on July 6, 1981, as amended, which are not reenacted herein are repealed.

Section B. Effect upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance. Provided, however, that when construction is not begun under such outstanding permit within a period of 180 days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Section C. Severability

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section D. Effective Date

This ordinance shall become effective {insert date; based upon adoption, or a specific date; or passage and publication as provided by law}.

Enacted by the City Council as an ordinance of the City of Twin Falls on the ____ day of _____, 201__.

Approved by Mayor of Twin Falls on the ____ day of _____, 201__.

City of Twin Falls

Mayor

ATTEST:

{insert name of clerk}, {City/County} Clerk