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City Clerk's Office
Hiawatha City Hall
101 Emmons Street
Hiawatha, Iowa 52233

Memo

To: Mayor and City Council

From: Kelly Kornegor, City Clerk and Kim Downs, City Administrator

Date: July 19, 2017

Re: Employee Policy Manual Amendments (and amending the Part-Time /Temporary/ Seasonal Employee Policy Manual accordingly)

The City Administrator and I are requesting your approval of the following amendments to the Employee Policy Manuals:

1. **Seatbelt / Restraint Policy**
   Added more detail to the current policy to describe instances where occupants of vehicles would be exempt from safety belt requirements per Iowa Code Section 321.445 (b). Dean Schade from our Workers' Compensation carrier (IMWCA) helped draft the revised language for the policy. Dean suggested adding specific examples of duties that would require employees to exit and reenter the vehicle at frequent intervals, providing the vehicle does not exceed 25 mph between stops.

2. **Substance Abuse Policy**
   City Council previously approved amending the Substance Abuse Policy covering non-CDL employees on May 3, 2017. When we drafted the initial changes, we worked with the Megan from the City Attorney's office to ensure legal compliance. Following the established standards under Iowa Code Section 730.50 covering drug and alcohol testing of employees, the City Attorney's office recommended setting the property and equipment damage threshold to the same level established in the state code which is an amount reasonably estimated to exceed $1,000.00. However, as you know, there is always a hiccup and here it is…..Iowa Code Section 321.266 covering accident reporting relating to motor vehicles on the roadway requires the driver of a vehicle involved in an accident with damage equaling $1,500.00 or more, to submit a report of the accident to state patrol and the Iowa Department of Transportation within 72 hours. The driver can avoid their own reporting requirements by calling local law enforcement to investigate the accident. By taking this approach, preparation and submittal of the report to the state agencies becomes the responsibility of local law enforcement.

   During the June Safety Committee meeting, the Police Chief brought it to our attention that the employee Substance Abuse policy did not comply with the reporting standards found in Iowa Code Section 321.266.

   The way our current policy is written, the department supervisor has the ability to determine the necessity to call law enforcement to assist in investigation and reporting of all workplace accidents. Our proposed amendments will include an exception for any workplace accident

involving a motor vehicle on the roadway where the amount of damage is reasonably estimated to equal or exceed $1,500.00. Under these conditions, once the $1,500.00 damage threshold is met, the department supervisor will now be required to contact law enforcement to investigate and prepare an accident report as required by state law (see attached resolution showing markups in red).

I know this is a lot to take in and I thank you for your consideration of the changes to the Employee Policy Manuals. We would be happy to answer any questions you may have.

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION AMENDING EMPLOYEE POLICY MANUAL SECTION III SEATBELT RESTRAINT POLICY AND SECTION VII SUBSTANCE ABUSE POLICY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to amend Employee Policy Manual Section VII Substance Abuse Policy, and amend Section III Seatbelt Restraint Policy (and amending the Part-Time / Temporary / Seasonal Employee Policy Manual accordingly), as follows:

SECTION III

SEATBELT / RESTRAINT POLICY

Iowa Code §321.445 requires the driver and front seat occupants of a vehicle to wear a safety belt any time the vehicle is in forward motion on a street or highway in the state of Iowa.

It is the policy of the City of Hiawatha that all employees and occupants of city/county vehicles, equipment, personal and rental cars used on official business use safety belts and shoulder restraints.

Per the exemption in *Section 321.445 (b),* ~~only~~ in specific situations including garbage / yard waste truck operators on a collection route, employees on a meter reading route or performing street patching work are exempt from the safety belt requirement~~s~~ while actively ~~picking up garbage~~ performing the job duties requiring the employee to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed 25 miles per hour between stops ~~performing the job duties requiring the employee to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed 25 miles per hour between stops~~. ~~They~~Employees shall comply with the law at all other times.

Employees operating equipment with rollover protection "ROPS" shall also wear safety belts when operating the equipment.

Employees are also prohibited from riding in or on parts of a vehicle not designed for human occupancy. This includes but is not limited to pickup and truck boxes, fenders, trailers, steps, bumpers, tail gates and emergency vehicles.

Employees must take appropriate safety measures into consideration when driving or travelling in motorized City vehicles or equipment.

Failure to comply with these rules is a violation of state law punishable by citation and fine and a violation of the City of Hiawatha's safety policy, which is cause for disciplinary action.

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SECTION VII

Substance Abuse Testing Programs

5. Workplace Accident Testing. The City will conduct drug or alcohol testing if a workplace accident occurs while an employee is operating a City vehicle, tool or equipment, when any of the following conditions apply: 1) an accident results in an injury to a person which, if suffered by an employee, constitutes an injury other than a minor injury requiring only first aid treatment which does not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, where a record or report could be required under Iowa Code Chapter 88 Occupational Safety and Health, or 2) an accident resulted in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed one thousand dollars ($1,000.00).

   If a workplace accident occurs while an employee is operating a City vehicle, tool or equipment and any of the conditions listed in Item (5) above apply; the employee's supervisor may call law enforcement to investigate the accident immediately after occurrence. The employee's supervisor will make the determination on the necessity to consult with law enforcement to determine if the damage threshold has been met.
   Exception: If the accident involves a motor vehicle on the roadway and the amount of damage is reasonably estimated at one thousand and five hundred dollars ($1,500.00) or more, the employee's supervisor will call law enforcement to investigate the accident immediately.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 19th day of July, 2017.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk